



City of Santa Ana

City Council Handbook

2022



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City of Santa Ana
City Council Handbook

Overview



WELCOME

Welcome and congratulations for your election to the Santa Ana City Council. We look forward to working with you to create a delivery-driven government that designs services with and for the residents of Santa Ana. This handbook serves as a guide while you maneuver through some of the processes during your term on the City Council. If you have any questions, please do not hesitate to contact the City Manager's Office at (714) 647-5200.

CITY OVERVIEW

The City of Santa Ana is a 27-square mile, ethnically diverse city located 35 miles south of Los Angeles and roughly ten miles inland from the Pacific Ocean. With a total population of over 335,000, Santa Ana is Orange County's second largest city and serves as the county seat. The City comprises more than 60 distinct neighborhoods (refer to Boundary Map with Wards and Neighborhoods for details). The Santa Ana Unified School District is the local school district that serves the majority of our community. Additionally, there are six neighboring school districts that serve portions of the City including Garden Grove, Tustin, Orange, Irvine, Newport-Mesa, and Huntington Beach Unified School Districts.

Incorporated in 1886, Santa Ana has established itself as Orange County's government powerbase and is colloquially known as Downtown Orange County. Santa Ana's centralized location places the City less than 30 minutes from most Southern California destinations, including four airports. Its density and transportation infrastructure enable residents and employees to embrace a sustainable lifestyle by commuting to work via bus, train, bicycle, or on foot. This convenience attracts a diverse population that appreciates Santa Ana's distinctive housing choices, energetic nightlife, and cultural amenities like the Artist's Village, Discovery Cube Orange County, Heritage Museum of Orange County, the Santa Ana Zoo at Prentice Park, and more.

Santa Ana has a large and diverse business base, with over 30,000 businesses who employ over 150,000 people. Santa Ana is the corporate headquarters of several large companies, including Behr Paint and First American Financial Corporation. In 2016, Standard and Poor's assigned the City of Santa Ana an AA issuer credit rating.



DEMOGRAPHICS

| | | |
|---------------------|-----------------------------------|-------------------------|
| Population: 309,441 | Median Household Income: \$72,406 | Labor Force: 155,600 |
| Median Age: 32.6 | Median Home Price: \$715,750 | Unemployment Rate: 2.8% |

VISION, MISSION, AND GUIDING PRINCIPLES

Vision, Mission and Guiding Principles - The City of Santa Ana is committed to achieving a shared vision for the organization and its community. The vision, mission and guiding principles (values) are the result of a thoughtful and inclusive process designed to set the City and organization on a course that meets the challenges of today and tomorrow.

Vision - The dynamic urban center of Orange County acclaimed for our: Investment in Children, Neighborhood Pride, Enriched Cultural Experiences, Appreciation of Diversity, Thriving Economic Climate, Quality Government Services, and Leadership Among California Cities.

Mission - To deliver efficient public services in partnership with our community which ensures public safety, a prosperous economic environment, opportunities for our youth, and a high quality of life for residents.

Guiding Principles - Collaboration, Efficiency, Equity, Excellence, Fiscal Responsibility, Innovation, and Transparency.

STRATEGIC PLAN

In accordance with the Santa Ana Municipal Code Section 2- 157, every five years the City Manager is responsible for preparing and submitting a strategic plan to the City Council. On May 19, 2020, a draft FY 2020-21 – FY 2024-25 Strategic Plan was presented. The proposed Strategic Plan includes the following Strategic Priorities (in no particular order):

1. Financial Stability
2. Community Safety
3. Modern Facilities and Infrastructure
4. Efficient City Services
5. Economic Diversification and Expansion

The City's Executive Management Team has internally developed specific initiatives for Fiscal Year 2020- 21 to support each goal. The final plan will be presented for City Council consideration, along with a presentation of the final proposed citywide budget in June 2020.



ORGANIZATIONAL STRUCTURE OF THE CITY OF SANTA ANA

The City Manager is appointed by the City Council and is the chief administrative officer of the administrative branch of the City government. The City Manager is responsible to, and under the direction of, the City Council for the proper administration of all affairs of the City. Below is a brief introduction of the City’s organizational departments.

CITY DEPARTMENTS

| | |
|--------------------------------------|---|
| City Manager’s Office | Library Services |
| Clerk of the Council | Orange County Fire Authority |
| City Attorney’s Office | Parks, Recreation and Community Services Agency |
| Community Development Agency | Planning & Building Agency |
| Finance & Management Services Agency | Police Department |
| Human Resources Department | Public Works Agency |
| Information Technology Department | |

1. CITY MANAGER’S OFFICE

The City Manager is appointed by the City Council. The City Manager’s Office (CMO) is responsible for directing the administrative processes that allow a city to operate and implement policies approved by the City Council. The City Manager appoints all department heads and officers, with the exception of the City Attorney and Clerk of the Council. The City Manager is also responsible for preparing an annual budget for City Council adoption. This document ensures the proper administration of City activities, affairs, and business. The annual budget begins on July 1 of each year and ends on June 30 of the following year.

2. CLERK OF THE COUNCIL

The Clerk of the Council (COTC) is appointed by the City Council. The COTC is responsible for the administration and fulfillment of legal requirements in compliance with the City Charter, Political Reform Act, Brown Act, Public Records Act, Elections Code, and applicable State statutes.

The organizational structure of the COTC is composed of the following activities: oversight of campaign reporting; conflict of interest code filings; ethics training (AB 1234); administration of elections; preparation of City Council meeting agendas and minutes; oversight of boards and commission appointments; administration of oaths of office; and



the processing of agreements, resolutions, ordinances, claims, and public records requests, among other responsibilities.

3. CITY ATTORNEY'S OFFICE

The City Attorney is appointed by the City Council and represents the City of Santa Ana as a client. The City Attorney's Office (CAO) does not represent individual residents of the City. The CAO prosecutes violations of the Santa Ana Municipal Code, but not violations of State law. The powers and duties of the City Attorney include appearing in litigation on behalf of the City and its officials; drafting all ordinances, resolutions and contracts; and advising officials and employees on all matters of law pertaining to official duties.

4. COMMUNITY DEVELOPMENT AGENCY

The Community Development Agency (CDA) is responsible for providing services in the area of economic development, job training, affordable housing, and downtown development. The organizational structure of CDA is comprised of: Economic Development, Housing Authority, Housing Development, Arts and Culture, and Homelessness.

5. FINANCE & MANAGEMENT SERVICES AGENCY

The Finance & Management Services Agency (FMSA) manages the City's financial operations and ensures the establishment of adequate safeguards for the City's cash and its related investment portfolio. In addition, FMSA is responsible for establishing internal controls citywide to ensure financial reporting is prepared on a true, current, and accurate basis. The organizational structure of FMSA is composed of the following: Budget, Accounting, Treasury and Customer Service, Purchasing, Building Maintenance, Fleet, Stores, and Central Services.

6. HUMAN RESOURCES DEPARTMENT

The Human Resources Department (HR) takes a leadership role by recruiting and developing a talented workforce, ensuring a safe and healthy work environment, and delivering highly responsive professional expertise and services using innovative and transparent approaches with professional integrity. The organizational structure of HR is composed of the following: Recruitment and Retention of Employees, Classification & Compensation, Employee Training, Contract Negotiation and Employee Relations, Discipline and Grievances, Benefits, and Risk Management.

7. INFORMATION TECHNOLOGY DEPARTMENT

The Information Technology (IT) Department is an internal service department that is responsible for providing a centralized resource for technology deployment and support throughout the City. The organizational structure of IT is composed of the following:



Applications and Client Services Division (desktop assistance, enterprise and specialized applications, Geographic Information Systems-GIS); and Infrastructure Division (network support, telecommunications, data center services, and cybersecurity).

8. LIBRARY SERVICES

The Santa Ana Public Library's purpose is to respond to the community's informational, educational, and personal interest needs using books, materials, technology, and professional expertise. The Santa Ana Public Library offers two community libraries: the Main Library at the Santa Ana Civic Center and the Newhope Library Learning Center.

9. ORANGE COUNTY FIRE AUTHORITY

The Orange County Fire Authority (OCFA) is responsible for providing primary response for fire suppression and emergency medical services to the community and the oversight of ten fire stations, strategically located throughout the City. The organizational structure of OCFA is composed of the following: Community Risk Reduction, All Hazard All Risk Emergency Response, and Community Education.

10. PARKS, RECREATION & COMMUNITY SERVICES AGENCY

The Parks, Recreation & Community Services Agency (PRCSA) is responsible for the administration of Park Planning and Maintenance, Santa Ana Zoo, and Recreation services. The organizational structure of PRCSA is composed of the following: Recreation, Parks, Zoo, Community Services, Youth and Family Services, Senior Services, Budget Administration, Inspections, and General Maintenance.

11. PLANNING & BUILDING AGENCY

The Planning & Building Agency (PBA) is responsible for managing the City's urban environment and creating a livable community that balances the needs of residents, businesses, property owners, and visitors. The organizational structure of PBA is composed of the following: Planning, Building Safety, Code Enforcement, and Administrative Services.

12. SANTA ANA POLICE DEPARTMENT

The Santa Ana Police Department (SAPD) is responsible for ensuring the public safety of the community, while incorporating integrity, accountability, community engagement, and quality service. The organizational structure of SAPD is composed of the following: Jail Bureau, Field Operations Bureau, Investigation Bureau, and Administrative Bureau.



13. PUBLIC WORKS AGENCY

The Public Works Agency (PWA) is responsible for building and maintaining all public streets, storm drains, sewers, and water facilities. PWA manages contracts of refuse collection and recycling, street sweeping, tree trimming and landscape maintenance in the public right-of-way, and graffiti abatement. PWA also studies traffic concerns that involve speeding and parking. The PWA organizational structure is composed of the following: Operations and Maintenance, Streets, Traffic and Transportation, Engineering, Water System, Sanitation & Sewer System, Refuse, Residential Parking Program, and Street Lighting.

GOVERNING CODES

Below are some of the Government Codes that may apply to you, your service on the City Council, and its operation. As a councilmember, you may not use your official position for your own benefit or the benefit of anyone, with the exception of the City itself, nor may you represent the City in any transaction in which you are personally interested in obtaining an advantage. The City Attorney's Office is available for legal advice regarding potential conflicts of interest.

CHARTER CITIES AND GENERAL LAW CITIES

The City of Santa Ana is a charter city in accordance with the California Constitution. Charter cities have the benefit of supreme authority over "municipal affairs". In other words, a charter city's law concerning a municipal affair will trump a state law governing the same topic. Cities that have not adopted a charter are general law cities. General law cities are bound by the state's general law, even with respect to municipal affairs.

The charter city provision of the State Constitution, commonly referred to as the "home-rule" provision, is based on the principle that a city, rather than the state, is in the best position to know what it needs and how to satisfy those needs. The "home-rule" provision allows charter cities to conduct their own business and control their own affairs. A charter maximizes local control. A city charter, in effect a city's constitution, need not set out every municipal affair the city would like to govern. So long as the charter contains a declaration that the city intends to avail itself of the full power provided by the California Constitution, any city ordinance that regulates a municipal affair will govern over a general law of the state. Additional information about charter cities is available on the League of California Cities website: <http://www.cacities.org/Resources/Charter-Cities>



SANTA ANA CITY CHARTER

The City of Santa Ana Charter (Charter) was adopted by the electors in 1952 and several sections have been amended in subsequent years thereafter. The Charter is available for reference online at the California Municode Library: https://library.municode.com/ca/santa_ana/codes/code_of_ordinances.

FAIR POLITICAL PRACTICES COMMISSION

The Fair Political Practices Commission (FPPC) is the agency with primary responsibility for the interpretation of the Political Reform Act (Act). The Act requires local agencies to administer processing of Statements of Economic Interests, Conflict of Interest Code, Code of Ethics and Assembly Bill 1234.

POLITICAL REFORM ACT

The State's Political Reform Act of 1974 (Act) requires certain public officials at all levels of government to publicly disclose their private economic interests and requires all public officials to disqualify themselves from participating in decisions in which they have a defined financial interest. The Act established the Fair Political Practices Commission (FPPC) to administer its requirements. The current Political Reform Act is available on the FPPC's website at www.fppc.ca.gov. All City Councilmembers fall under the provisions of California Government Code Section 87200 and following, which generally require disclosure of real property interests within the City's territorial boundaries, as well as investments, business positions, and sources of income (including gifts, loans, and travel payments).

STATEMENT OF ECONOMIC INTERESTS

Newly elected officials are required to file an Assuming Office Statement, using the FPPC's Statement of Economic Interests Form 700, within 30 days of assuming office and a Leaving Office Statement within 30-days of departure from City Council.

The Mayor and each councilmember shall, each year on April 1 or at a time specified by the FPPC, file an annual Statement of Economic Interests Form 700 disclosing investments, interests in real property, and income during the 12-month reporting period. Each elected officer is required to file statements of economic interests and must disclose interests, which are located in or doing business in, his or her "jurisdiction." For cities, real property is deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the City, or not more than two miles from any land owned or used by the City.



Please keep in mind that the Form 700 is a public record. You may wish to use your agency's address, phone number, and/or email address instead of your personal information, as this is an acceptable practice according to the FPPC.

The Statement of Economic Interests Form 700 may be filed electronically. The Clerk of the Council has partnered with NetFile to provide a **free E-filing solution** for Statements of Economic Interest (Form 700). The E-file solution eliminates the need to file a paper statement. NetFile has launched a Form 700 mobile app that can be used by filers who have no reportable interests and file with a single agency. The app is available for [Apple](#) and [Android](#) devices. However, the Form 700 is also available on the FPPC website at www.fppc.ca.gov, which will require you to complete, print, and submit the original wet signature to the Clerk of the Council.

For assistance on how to complete a Statement of Economic Interests Form 700 or for general information regarding conflict of interest disclosure, contact FPPC advice division at 866-275-3772, ext. 2, or by email to advice@fppc.ca.gov. In most cases, questions can be answered over the telephone, however, depending on the circumstances, written advice may be required or preferred. You may wish to contact the City Attorney prior to contacting the FPPC, as in some instances, General Counsel may have already been in contact with the FPPC on similar issues that may apply to your concern(s).

NOTE: It is your responsibility to file and disclose all interests, including that of a spouse.

CONFLICT OF INTEREST CODE

The Political Reform Act requires every local government agency to adopt a Conflict of Interest Code (Code). The Code must be approved by the Code reviewing body before it is effective. The Code reviewing body for the City is the City Council. The Code reviewing body for all other local government agencies, including OCFA, is the Orange County Board of Supervisors. The Conflict of Interest Code is reviewed during even-numbered years and is amended as needed.

ASSEMBLY BILL 1234

Assembly Bill 1234 (AB 1234) contains certain requirements and restrictions on local agency practices relating to reimbursement of officials' expenses and regular ethics training.



Former State of California Governor Arnold Schwarzenegger signed AB 1234 into law on January 1, 2006, which requires elected and appointed officials to receive two hours of training in ethics principles and laws. The law requires officials to receive said training within one year of taking office and to receive additional training every two years thereafter.

Completion of this training is the responsibility of the Councilmember. Records of this training are maintained by the COTC.

NOTE: If any member of the City Council is convicted of a crime involving moral turpitude, said office shall be immediately vacated (Charter § 401).

CODE OF ETHICS

On February 5, 2008, a measure was approved by the voters of the City of Santa Ana, adding Section 401.05 to the City Charter, which implemented a Code of Ethics and Conduct applicable to elected officials and members of appointed boards, commissions, and committees. The Code of Ethics is intended to provide high standards of conduct for all elected and appointed officials, as well as to increase public confidence in City government. All members must have a signed Code of Ethics certificate on file in the COTC office within 30 days of taking office. <http://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/ethics-training.html>

City Councilmembers must receive at least two hours of ethics training every two years. The ethics training certificate must be forwarded and recorded by the COTC to satisfy this requirement. No additional training would then be required. Ethics training certificates will be maintained as a public record per current FPPC regulations. Ethics training is sometimes available via your local agency and is available online through the FPPC at <http://www.fppc.ca.gov>.

SEXUAL HARASSMENT PREVENTION TRAINING AND EDUCATION

Pursuant to Government Code Section 53237-53237.5 (AB 1661), each local agency elected official or employee required to attend sexual harassment prevention training, must receive at least two (2) hours of training within the first six (6) months of taking office or starting employment. The elected official or employee must undergo training every two (2) years thereafter. If the official serves more than one (1) local agency, the official is only required to meet this requirement once, and then every two (2) years thereafter.

The City offers training provided by Target Solutions. Human Resources Department will reach out to each member of the Council with instructions on how to complete the



training through the City. There are many training options, but not all may be compliant to AB 1661. Therefore, it is highly recommended that training is approved by Human Resources before attending. In addition, a certificate of completion is required to be filed to receive credit of compliance.

CITY GIFT BAN ORDINANCE

Santa Ana Municipal Code (SAMC) Sections 2-851 through 2-854 is the Gift Ban Ordinance. Generally, the ordinance prohibits designated City Officers, Officials, and Councilmembers from accepting any gift from persons doing business with the City. The ordinance adopts by reference the Political Reform Act regulations of the California FPPC for purposes of definition of gifts.

Doing business with the City shall mean:

1. Seeking the award of a contract or grant from the City; or
2. Having sought the award of a contract or grant from the City in the past twelve (12) months; or
3. Being engaged as a lobbyist or lobbyist firm, as defined in this article, from the time of such engagement until twelve (12) months after the award of the contract grant, license, permit, or other entitlement for use, which was the subject of the engagement; or
4. Having an existing contractual relationship with the City, until twelve (12) months after the contractual obligations of all parties have been completed; or
5. Seeking, actively supporting, or actively opposing the issuance, by the city, of a license, permit, or other entitlement for use, or having done any of these things within the past twelve (12) months.

"Gift" shall have the meaning it is defined to have in the California Political Reform Act, and the regulations issued pursuant to that act, except that the following shall not be deemed to be gifts:

1. Meals, beverages, and free admission at any event sponsored by, or for the benefit of, a bona fide educational, academic, or charitable organization, and commemorative gifts from such organizations with a cumulative value, from any single source, of fifty dollars (\$50.00) or less during any 12-month period.
2. Flowers, plants, balloons, or similar tokens which are given to express condolences, congratulations, or sympathy for ill health, or to commemorate



special occasions, provided that gifts made or received under this exemption shall not exceed a value of fifty dollars (\$50.00) from any single source in any calendar year.

3. A prize awarded on the basis of chance in a bona fide competition not related to the official status of the public official.
4. Gifts from any agency of a foreign sovereign nation, provided that such gifts are unconditionally donated by the public official to the City within forty-five (45) days of receipt, and the public official does not claim any tax deduction by virtue of such donation.
5. Food and beverages consumed by a public official that total less than five (\$5.00) per occasion.

RALPH M. BROWN ACT

Meetings of the Santa Ana City Council are conducted pursuant to all applicable federal, state, and local statutes, including the provisions of Chapter 9 of Part 1 of Division 2 of Title 5 of the Government Code (Brown Act) with respect to rights of the public to attend meetings, adjournment of regular meetings, calling of special meetings, and the holding of closed sessions.

City Council meetings must comply with the Ralph M. Brown Act, Government Code 54950-54963 (Brown Act), which keeps the City Council and committee meetings open and public. The Brown Act is known as California's open meeting law. The law's intent is that the actions of local public commissions, boards, and councils be taken openly and that their deliberations be conducted openly (Government Code section 54950).

It is the responsibility of the Clerk of the Council and/or committee Recording Secretary to notice all meetings in accordance with the Brown Act and have agendas and staff reports available to members of the public. By law, all regular City Council meetings and committee agendas shall be posted 72 hours prior to the meeting in the designated display cases where the meetings will take place and as a courtesy on the City website. Any member of the public may sign-up for an auto alert when agendas become available by registering on the City's website.

ROBERT'S RULES OF ORDER

City Council meeting procedures are governed by the most current edition of Robert's Rules of Order, Newly Revised. Application of such procedures shall be vested in the sound discretion of the presiding officer (Resolution No. 2013-019).



RULES OF DECORUM AND PROCEDURES

The City Council adopted Resolution No. 2013-019, establishing rules for the conduct of its proceedings, as well as to preserve order at its meetings. These rules include start time, oral communication, public input, speaker limitations, etc.

PUBLIC RECORDS ACT

The City Council regularly responds to requests from the public for records/documents under the California Public Records Act. If a request should come to the City that specifically names an individual City Councilmember, the City Manager's Office will contact you as soon as possible. This will not prevent the City from releasing any disclosable records; however, in some instances, the City does have the right to redact certain personal information such as home addresses and phone numbers.

COUNCIL-MANAGER FORM OF GOVERNMENT

The Council-Manager form of local government is a system that combines the strong political leadership of elected officials in the form of a City Council or other governing body, with the strong managerial experience of an appointed local government administrator. This form of government establishes a representative system where all legislative power is concentrated in the elected City Council and the City Council appoints a local government administrator, a City Manager, to oversee the delivery of public services.

In the Council-Manager form of government, City Council members are elected by the electors, or registered voters of the City, to be the leaders and policymakers on behalf of the community and to concentrate on policy issues that are responsive to the needs and wishes of the community. The City Manager is appointed by the City Council to carry out policy and ensure that the entire community is being adequately served.

APPOINTED OFFICERS

Councilmembers appoint three of the City's management officers:

1. City Manager
2. City Attorney
3. Clerk of the Council

These appointees report directly to the City Council. The City Council reviews the performance of these positions on or before the annual anniversary date of appointment. The removal from office for each of these officers requires five votes of the City Council (Charter § 701).



ROLE OF MAYOR

Mayors in Council-Manager governments are key political leaders and policy developers. In the case of the City Council, the Mayor is responsible for soliciting residents' views to form these policies and interpreting them to the public. The Mayor presides at City Council meetings, serves as a spokesperson for the community, facilitates communication and understanding between elected and appointed officials, assists the City Council in setting goals and advocating policy decisions, and serves as a promoter and defender of the community. In addition, the Mayor serves as a key representative in intergovernmental relations. The Mayor, City Councilmembers, and City Manager constitute a policy-development and management team.

ROLE OF CITY COUNCIL

The City Council is the legislative body of the City and its members are the community's decision makers. Legislative power is centralized in the elected City Council, which approves the budget and determines tax rates, for example. The City Council also focuses on the community's goals, major projects, and long-term considerations, such as community growth, land-use development, capital improvement plans, capital financing, and strategic planning. The City Council appoints a City Manager to carry out the administrative responsibilities of the day-to-day activities of the City.

CITY MANAGER'S PARTICIPATION IN DETERMINING CITY POLICY

The City Manager makes policy recommendations to the City Council, but the City Council may or may not adopt them and may modify the recommendations. The City Manager is bound by whatever action the City Council takes. The City Manager is assisted in the administration of City policy by the Clerk of the Council, City Attorney, and the City's agencies: Community Development Agency, Finance and Management Services Agency, Human Resources Department, Library Services, Planning and Building Agency, Public Works Agency, Santa Ana Police Department, Parks, Recreation and Community Services Agency, and the Information Technology Department. The City Council is directed by the City Charter to work with the administrative branch of the City's organizational structure through the City Manager and may not give direction to non-appointed staff or dismiss subordinates of the City Manager (Charter § 408).

The City Manager is authorized to bind the City to any one written contract for an amount not to exceed the sum of fifty thousand dollars (\$50,000) for non-public works contracts and two hundred fifty thousand dollars (\$250,000) for public works contracts (SAMC 2-748).



BUDGET AUTHORITY

The City Manager submits a balanced budget to the City Council on or before June 15 of each year for the ensuing fiscal year, which begins July 1 and ends June 30 of the following year (Charter § 605). With a majority vote of the City Council, the budget may be adopted or amended (Charter § 607). Prior to the beginning of each fiscal year, the City Council designates a qualified certified public accountant (CPA) to conduct an independent audit of the accounts and financial transactions of the City.

COMPOSITION OF THE CITY COUNCIL

Established through the City Charter, the City Council is a non-partisan legislative body composed of seven members (six councilmembers and the Mayor). Councilmembers are nominated from one of six geographic districts, or wards, in the City, and are elected by vote of the electors of the City at large. Beginning November 2020, the Mayoral election will remain at-large, and councilmembers will be elected by electors of their respective wards.

The Mayor is nominated and elected at large, as he or she does not represent any individual ward. The Mayor must be a registered voter of the City and may reside in any ward. In the event any councilmember ceases to be a resident of the ward from which he or she is nominated, or in the event the Mayor shall cease to be a resident of the City, their respective offices shall immediately become vacant. If a councilmember is convicted of a crime involving moral turpitude, the office he or she represents also immediately becomes vacant and is so declared by the City Council.

TRAINING OPPORTUNITIES FOR COUNCILMEMBERS

League of California Cities: Councilmembers may attend newly elected focused trainings provided by the League of California Cities, typically scheduled in January. Additional details and information available at: <https://www.cacities.org/Education-Events/New-Mayors-Council-Members-Academy>

Institute for Local Government: Councilmembers may also obtain valuable resources and information through the Institute for Local Government, which promotes good government at the local level. Additional details and information available at: <http://www.ca-ilg.org/>

Association of California Cities – Orange County: The Association of California Cities – Orange County (ACC-OC) represents the interests of Orange County cities on regional public policy issues. The Association believes in education that empowers, policy development that is collaborative, and advocacy that is service orientated. The ACC-OC membership base consists of the cities of Orange County, dozens of local government special districts, businesses, non-profits and higher education institutions. From time to



time, ACC-OC conducts educational opportunities for Councilmembers and other local government officials.

TERM OF OFFICE

Councilmembers serve a term of four (4) years and are limited to three (3) consecutive terms. A councilmember who has reached his or her term limit must wait eight (8) years before seeking re-election to a City Council seat (Charter § 401). However, councilmembers are eligible to run for Mayor immediately upon reaching their term limit.

The Mayor serves a term of two (2) years, and is limited to four (4) consecutive terms (Charter § 404).

Time served as a councilmember would not be applied toward the Mayoral term limit, but the City Charter prohibits any person from serving more than a total of 20 consecutive years as both a councilmember and Mayor. Sections 401 and 404 of the City Charter provide that after a person serves eight (8) consecutive years as Mayor the person cannot serve as Mayor again until after a period of eight (8) years. Further, the City Charter provides that after a person serves as both a councilmember for the consecutive twelve (12) year maximum term and Mayor for the consecutive eight (8) year maximum term, the person cannot serve again as a Councilmember or Mayor until after a period of eight (8) years.

A term of office begins at 6:00 p.m. on the second Tuesday of December, following certification of election results (Charter § 400).

PRESIDING OFFICER

The Mayor is a voting member of the City Council and presides over meetings of the City Council. Resolutions, ordinances, and contracts are signed by the Mayor, unless otherwise authorized.

MAYOR PRO TEM

The City Council elects a Mayor Pro Tem at the first meeting of the City Council, following any general or special election at which councilmembers are elected. The Mayor Pro Tem substitutes for the Mayor during his or her absence from the City or during any vacancy in the office of Mayor.

NOTE: In the event that both the Mayor and Mayor Pro Tem are unavailable, the City Council may elect a councilmember to chair a meeting (pursuant to SAMC 2-101). The Mayor may also appoint an acting Mayor Pro Tem to act as Mayor in the absence of both the Mayor and the Mayor Pro Tem (pursuant to SAMC 2-101.1).



CITY COUNCIL MEETINGS AND COMMITTEES

The City Council performs many important functions as the community's elected officials. Councilmembers represent various segments of the community and focus on developing public policy that is responsive to the community's needs and wishes. The City Council is also empowered to lead the community through the City Charter, which provides councilmembers with the authority to legislate, appoint, advocate, and approve the City budget.

Legislative Authority

The City Council is empowered to enact local laws, approve programs, appropriate funds, and establish local taxes and benefit assessments through its legislative authority. Councilmembers perform their legislative duties when they make legislative or policy decisions at the following meetings:

1. City Council Meetings

The majority of the City Council's legislative duties are conducted at the City Council meetings. Matters of policy are normally determined by a majority vote of the City Council on items listed on the agenda. In some cases, a two-thirds (2/3) vote of the City Council is required (e.g. for appropriation adjustments).

2. Successor Agency

All councilmembers serve as members of the Successor Agency of the City. The enactment of ABX1 26 on February 1, 2012 dissolved all redevelopment agencies in California and created a successor agency to bring to an end to the operations of the Redevelopment Agency. The function of the Successor Agency is to pay enforceable obligations and administer the dissolution of the former Redevelopment Agency. All assets, properties, contracts, and records of the former Redevelopment Agency have been transferred to the Successor Agency for administration.

Note: Members of the City Council may not acquire any interest in any property included within the former project areas in the community. Any direct or indirect financial interest in such property by a councilmember must be noted in a written disclosure. The councilmember should abstain from participation on an item if there is a potential conflict of interest.

3. Housing Authority Meetings

The City Council serves as the City's Housing Authority, which meets on the first Tuesday of each month, in conjunction with the regular City Council meeting.



The Housing Authority acts as an agent of the state and may borrow money or accept grants from the federal government for any housing project. It makes, amends, and repeals by-laws and regulations to implement the State Housing Authorities Act. The functions of the Housing Authority include determining where there is a shortage of decent housing and approving the development and operation of affordable housing projects.

Note: The Housing Authority members may not have direct or indirect interest in any housing project or in any property included or planned to be included on a project. Members also may not have any direct or indirect interest in a contract for materials or services to be furnished or used in connection with any housing project. If a conflict exists, Housing Authority members must disclose and recuse from voting on such items.

CITY COUNCIL MEETINGS

MEETING DATES/LOCATION

Regularly scheduled City Council meetings occur on the first and third Tuesday of each month, with Closed Session commencing at 5:00 PM and regular meetings commencing at 5:45 PM, in the Council Chamber located at 22 Civic Center Plaza, Santa Ana, CA 92701. At the beginning of the calendar year, the City Council determines which regularly scheduled meetings will be canceled (or will “go dark”). The City Council meeting schedule will be made available on the City’s website.

MEETING ATTENDANCE

A majority of the members of the City Council constitute a quorum to do business. The absence of a member of the City Council from all regular and special meetings of the City Council during any calendar month, except by permission of the City Council (excused absence), makes that member ineligible to receive the monthly salary for such calendar month. If permission is granted, the City Council must express their decision during a City Council meeting, and must be included in the minutes.

CITY COUNCIL MEETING AGENDA AND STAFF REPORTS

City Council meeting agendas and accompanying staff reports are created to facilitate the business of the City. Items for the agenda for any regular meeting of the City Council may be included on the agenda only with the approval of the City Manager. All staff reports are reviewed by the management team prior to being included in the agenda packet (which consists of the agenda, staff reports, and accompanying exhibits). Each staff report may contain any of the following: a summary, committee action, recommended action, background information, analysis, fiscal impact, and exhibits.



City Council meeting agenda packets will be delivered to the City Council via U.S mail, delivered in person by staff, or shared digitally, upon the posting of the agenda. In addition, all councilmembers will receive an email which includes access to a digital version of the agenda packet at least 72 hours in advance of the meeting.

CITY COUNCIL MEETING AGENDA INFORMATION

The City Council meeting agenda is prepared by the COTC after the City Manager approves the agenda and agenda materials. The agenda contains a brief general description of each item to be discussed and specifies the time and location of the regular meeting.

Agenda descriptions provide the public with a general summary of the items of business to be considered by the City Council. The City Council is not limited in any way by the recommended action identified in each agenda item and may take any action on any agenda item which the City Council deems appropriate.

Copies of the agenda are available to the public at the meeting location on the day of the meeting. State law mandates that the agenda be posted at least 72 hours prior to the regular meeting of the City Council in a location accessible to the public. However, the City of Santa Ana makes the agenda available 96 hours prior to a regular City Council meeting, pursuant to the Sunshine Ordinance which was approved in October 2012. For more information, relating to the Sunshine Ordinance, see the section below. City Council Meeting agendas can also be accessed through the internet on the Thursday prior to any City Council meeting on the City's website: www.santa-ana.org.

SUNSHINE ORDINANCE

In October 2012, the City Council adopted the Sunshine Ordinance to uphold that public agencies' actions, to the greatest extent possible, be taken openly and that their deliberations be conducted openly. Per the Sunshine Ordinance, City Council meeting agendas must be posted at least 96 hours before any regular meeting of the City Council. There are several other requirements listed within the Sunshine Ordinance that may be of benefit to become familiar with by reviewing Ordinance NS-2838, included in this handbook.

DISCUSSION OF AGENDA ITEMS

The City Council cannot discuss, nor act on, any item not listed on the posted agenda, except in the following exceptions:

- Government Code § 54954.2 indicates that no action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions



posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

- Upon determination by a two-thirds (2/3) vote of the City Council, or, if less than two-thirds (2/3) of the councilmembers are present, a unanimous vote of those present, that the need to take action arose prior to the agenda being posted (Government Code 54954.2[b]3), or by a majority vote of the City Council in the case of a declared emergency (Government Code 54956.5.)

AGENDA CONSENT CALENDAR

All matters listed under the Consent Calendar portion of the agenda are considered to be routine by the City Council and will be enacted by one motion without discussion. However, a member of the City Council may pull any item from the Consent Calendar for a separate vote. Also, if the public wishes to speak regarding an item from the Consent Calendar, the item will automatically be pulled from the Consent Calendar.

COUNCIL AGENDA ITEM

Any member of the City Council may place items on the agenda that are staff directives or policy changes. They are listed on the agenda pursuant to Charter § 411. Items may be added by emailing the Clerk of the Council and City Manager.

City Clerk: cityclerk@santa-ana.org

City Manager: [!CityManager@santa-ana.org](mailto:CityManager@santa-ana.org)

PUBLIC COMMENTS/INPUT

The City Council meeting provides an opportunity for members of the public to address the City Council. Individuals from the public must be allowed to speak on any specific item listed on the agenda before or during the City Council's consideration of the item.

Members of the public may speak under the Public Comments portion of the City Council meeting. Individuals, personally or through counsel, may present grievances at any meeting of the City Council, or offer suggestions for the betterment of the City. Individuals can address the City Council for three minutes on a subject matter within the jurisdiction



of the City Council. The time period for the public to speak may be extended by a majority vote of the City Council.

CEREMONIAL RECOGNITIONS

City councilmembers may recognize individuals, groups, programs, or organizations with certificates of recognition or proclamations at the beginning of a City Council meeting and at events by issuance of proclamations and certificates of recognition.

Each councilmember will have the opportunity to request a maximum of one (1) presentation per City Council meeting. There is a limit of 20 certificates or two (2) proclamations per City Council meeting presentation or event.

Certificates - A certificate of recognition is prepared in response to the type of recognition requested. Types of certificates issued include certificates of commendation, recognition, appreciation, accomplishment, and in memoriam. Certificates are prepared by the CMO and signed by the City Council. Certificates may be presented at a City Council meeting or at an event or meeting outside of the City Council meeting, or they may be mailed to the recipient.

Proclamations - Proclamations are issued to designate a day, week, month, or year which an event, individual, organization, or cause shall be recognized or observed; and shall have applicability to the Santa Ana community and/or local government entity. Proclamations may also be issued to individuals or organizations in recognition of efforts, actions, or accomplishments of an individual or group when those efforts, actions, or accomplishments have had a positive effect on this community or relationship to this community. Proclamations are prepared by the CMO and signed by the City Council. They may be presented at a City Council meeting or at an outside meeting or event.

City Seal Tile - The City Seal Tile is used to award to outgoing Board and Commission members by the Mayor and City Council. City Seal Tiles are only awarded to Board and Commission members who have served a minimum of four consecutive years.

Exceptional Service Award - This recognition is awarded by the Mayor for rare and exceptional contributions to the community. An example of an Exceptional Service Award is a "Key to the City".

The COTC shall add the presentation items to the City Council meeting agenda as approved by the CMO. Presentations will be listed on the agenda as individual recipients of the recognition (i.e. name of the business, organization, and/or



individual(s) identified) to inform the City Council and public as to who is the recipient of said recognition. In an effort to streamline the presentations, groups with more than 10 individuals will be presented as a whole and not mentioned individually.

CLOSED SESSION MEETINGS

Closed session meetings are normally scheduled immediately prior to the City Council regular meeting. In accordance with provisions contained in the Brown Act, closed session meetings permit the City Council to discuss certain matters without members of the public present, provided that the items to be discussed be posted 96 hours prior to the City Council meeting and that these items meet the criteria outlined in the Brown Act for permissible closed session discussion. Closed Session meetings are not recorded.

The Santa Ana Municipal Code prohibits any councilmember, officer, employee, or any individual present during a closed session meeting to disclose the content or substance of any discussion during the meeting, unless the City Council authorizes disclosure by a majority vote.

During the regular meeting, the City Attorney will provide any reportable action, including the vote from the City Council, from the closed session meeting.

SPECIAL CITY COUNCIL MEETINGS

Pursuant to the provisions of the Brown Act, a special meeting may be called at any time by the presiding officer of a legislative body, or by a majority of the members of the legislative body, by delivering personally or by U.S. mail, written notice to each member of the body, and to any local newspaper of general circulation, radio, or television station that has requested notice in writing. The notice must be received at least 24 hours before the time of the meeting as specified in the notice. Pursuant to Charter Section 409, no additional business items may be considered at a special meeting other than what is specified on the agenda for such meeting.

ABSTENTION/DISQUALIFICATION DUE TO CONFLICT OF INTEREST

A member cannot abstain from a City Council vote unless disqualified. A disqualified councilmember must openly state the fact and nature of disqualification (SAMC 2-105).

A councilmember cannot participate in, nor use their official position to, influence a decision of the City Council if the decision will have a material financial impact on a recent major campaign contributor. A recent major campaign contributor is defined as a person who has made campaign contributions totaling two-hundred and fifty dollars (\$250.00) or more to a councilmember in the twelve-month period immediately preceding the date of the decision (Resolution No. 2018-047).



Also, councilmembers are prohibited from accepting or soliciting any contribution or loan of two-hundred and fifty dollars (\$250.00) or more from any one person for a period of three (3) months following the date a final decision is rendered in any proceeding before the City Council involving a license, permit, or other entitlement, if the councilmember knows or has reason to know that the person had a financial interest in the proceeding. Financial interest, for purposes of this section, is defined in Title 9 of the California Government Code (the Political Reform Act). The Mayor is a councilmember, therefore this section shall apply to the Mayor as well (SAMC 2-107).

MEETING MINUTES

The COTC prepares action minutes for each regular, special, and adjourned regular meeting of the City Council and maintains a record of the City Council proceedings, which is open to public inspection. Minutes are available following each City Council meeting. They are distributed to the City Council and are made available to the public. City Council draft meeting minutes from the prior meeting are also available through the City's website on the Friday preceding each City Council Meeting.

RECORDING MEETINGS AND MICROPHONES

City Council meetings that are held in the Council Chamber are recorded and broadcast live on City of Santa Ana Channel 3 (CTV3). The cable TV provider will rebroadcast City Council meetings at times specified by CTV3, which may be found on the City's website. City Council meetings are also streamed live on the City's YouTube channel (www.youtube.com/cityofsantaanavideos). The Santa Ana Public Library maintains digital copies of the City Council meetings for public circulation. These digital copies are also available for purchase from the Parks, Recreation and Community Services Agency at a nominal cost in accordance with the City's miscellaneous fees.

All meetings are recorded either by full media or audio. The Council Chamber has full media recording technology, which is operated from the recording booth. In the case of meetings located outside the Council Chamber, a digital handheld audio recording unit is utilized by the Clerk of the Council or designated Recording Secretary for the purpose of the completion of the minutes. Closed Sessions are not recorded.

Individual microphones are hardwired into the Council Chamber dais. All microphones in the room are set to the "on" position (as noted by green power indicator light on unit) by media staff prior to the meeting, but have been set on a muted feature until media staff engages the recording system upon the start of the meeting. Using the microphone's power button, the microphones may be turned "on" and "off" manually, at anytime during the meeting.



COUNCIL CHAMBER SEATING ASSIGNMENTS

The Mayor is assigned the seat in the center of the dais and the councilmembers coordinate seating assignments among themselves.

TRANSLATION SERVICES

English-to-Spanish translation services are provided for all City Council meetings that are held in the Council Chamber, as well as for other official meetings as requested. Translation equipment is available to the public at each City Council meeting.

MEALS AT MEETINGS

Meals are provided to the Mayor and City Council at City Council meetings, as a courtesy, given that the meetings occur during and through a mealtime.

APPOINTMENT OF BOARDS AND COMMISSIONS

The City Charter established Boards and Commissions as a conduit for conveying to councilmembers a sense of the community's sentiments on existing or prospective legislation. The purpose of most boards and commissions is to serve in an advisory role to the City Council on a wide range of policy issues. Some boards and commissions, such as the Planning Commission, have the authority to make binding decisions. Board and Commissioners are uniquely positioned to provide elected officials and City staff with invaluable insight and information for fact-based decision-making. As such, members perform an instrumental public service by broadening the forum for community input and enhancing the process of representative democracy.

The City Council may create, by ordinance or resolution, other appointive boards or commissions and may grant those powers and duties consistent with the provisions of the Charter. Since the establishment of the City Charter, the City Council has established additional boards and commissions:

1. Arts and Culture Commission
2. Civic Center Authority
3. Community Development Commission
4. Environmental and Transportation Advisory Commission
5. Historic Resources Commission
6. Measure X Citizen Oversight Committee
7. Personnel Board
8. Workforce Development Board
9. Youth Commission
10. Parks, Recreation and Community Services Commission
11. Police Oversight Commission



All City Board and Commission members are appointed and may be removed by the City Council. Commissioners are appointed and removed by the affirmative votes of a majority of the City Council. Not all commission members are nominated by the City Council. Community organizations, such as the Chamber of Commerce nominate representatives for certain boards and commissions.

Except as otherwise provided in the Charter, the members of such boards and commissions shall serve for a term of four (4) years and until their respective successors are appointed and qualified. In no event shall any person be eligible for reappointment who has served three (3) consecutive terms of four (4) years each, irrespective of what seat or seats the member is appointed to by the City Council. Notwithstanding the foregoing, one seat shall be a City-wide seat having a two- (2) year term which coincides with that of the Mayor, and which shall be limited to four (4) consecutive terms of two (2) years each. Short or partial terms shall not be considered (Charter § 401).

Boards and commissions with at least seven (7) members have six (6) seats designated by Council ward, which run concurrent with the term of office of Councilmembers representing that ward. Vacancies in those ward seats are filled by nomination from the Councilmember who represents the ward where there is a vacant position. The Councilmember submits the name of an applicant to the COTC for placement on the next regular City Council Agenda for confirmation by the City Council. Other members of the City Council may also make nominations. Usually the individual has an application on file, but if not, one is requested by the Clerk of the Council. Once the application is received, the SAPD conducts a routine background check of the nominee. Detailed information regarding the various boards and commissions and the appointment and removal process is available in the Clerk of the Council Office.

RESIDENCY REQUIREMENTS

All board and commission members must reside in the City of Santa Ana. Board members represent the interests of the entire City and may reside anywhere in the City of Santa Ana. In 2006, a measure was approved that requires at least fifty percent (50%) of those persons nominated by a Councilmember be residents of the ward represented by such Councilmember. A Councilmember may request that this rule be waived for any one appointment if the requesting member is unable to find a qualified and acceptable ward resident to nominate. A two-thirds (2/3) vote of the City Council (5 votes) must be obtained to approve this request.



VOTER REGISTRATION

To qualify for appointment, one must be a registered voter in Santa Ana. Student representatives on the Youth Commission, who are not of voting age, are exempt from this provision.

TREASURER OF CAMPAIGN COMMITTEE

Ordinance NS-2992 specifies that if any member of an appointive board or commission becomes the treasurer of a campaign committee, which receives contributions for any candidate for Mayor or Councilmember, his or her office shall be declared vacant by the City Council.

PERSONNEL BOARD APPOINTMENT PROHIBITIONS

Section 2-330 in Ordinance 2992 prohibits persons who are candidates for public office, employed in the City of Santa Ana government, and/or are officers of partisan organizations, from serving on the Personnel Board. Members of the Personnel Board are not eligible for appointment to any salaried office or employment in the service of the City for a period of one (1) year after leaving the Board for any reason.

BOARD OF RECREATION AND PARKS & PLANNING COMMISSION APPOINTMENT PROHIBITIONS

The Charter prohibits any member on the Board of Recreation and Parks or on the Planning Commission from holding any paid office or employment in the City government.

CITY EMPLOYEES APPOINTMENT PROHIBITIONS

Government Code § 1126 prohibits any public agency employee from serving on a board or commission that will directly or indirectly conflict with his/her official duties.

REMOVAL FROM OFFICE

The City Council may remove members who incur four (4) unexcused absences within a six (6)-month attendance reporting period. In addition, Section 2-326 in Ordinance 2992 provides that a member is automatically removed if absent from two (2) consecutive regular meetings, unless by permission of the board, or fails to attend at least one-half (1/2) of the regular meetings of the board or commission for any reason within a calendar year. A member is also automatically removed if he or she is convicted of a crime involving moral turpitude, or ceases to be a qualified voter of the City.

For stipend, types of positions available, appointment process, etc., please refer to the Boards and Commission Handbook available in the COTC office.

CITY'S CODE OF ETHICS AND CONDUCT AND AB 1234 REQUIREMENTS

Board and Commission members are required to comply with both of these requirements.



REGIONAL BOARDS

The Mayor and City Council represent the City's interest in regional public policy issues by serving on a number of regional boards in the areas of transportation, water resources, and public safety.

1. Orange County Water District (OCWD) Board

This committee was established through Government Code § 50270 which allows the Committee to select a board member and alternate.

Purpose: To provide policy input and direction to OCWD staff regarding the management and maintenance of the large groundwater basin under northern Orange County. The groundwater basin supplies approximately two-thirds (2/3) of the water needs to more than 2.5 million residents in central and northern Orange County

2. Orange County Fire Authority (OCFA)

A board member is selected by the majority of the City Council. Selection must be done by resolution.

Purpose: The OCFA Board of Directors has twenty-five members and sets policy according to its adopted Rules of Procedure. Twenty-three of the members represent partner cities and two members represent the county unincorporated area. The Board of Directors meets bimonthly, usually on the fourth Thursday of the month. The Board established an Executive Committee, which meets monthly, usually on the third Thursday of the month. The Board also established a standing Budget and Finance Committee to address finance and budget policy issues, which also meets monthly - usually on the second Wednesday of the month. The Chair of the Board, on an annual or as needed basis, makes appointments to the Committee.

3. Transportation Corridor Agencies (TCA) Board

A board member and alternate are selected by the majority of the City Council.

Purpose: To provide policy input and direction to TCA staff regarding the operation and maintenance of the San Joaquin Hills and Foothill/Eastern Toll Roads in Orange County.

4. Orange County Sanitation District (OCSD) Board

A board member and alternate are selected by the majority of the City Council.

Purpose: To provide policy input and direction to OCSD staff regarding the collection, treatment, and disposal of sewage from Orange County cities.



5. Transportation System Improvement Agency

Transportation System Improvement Authority is a joint powers authority (JPA) created by agreement between the cities of Santa Ana and Tustin in 1989. The JPA boundary includes eastern portions of Santa Ana and western portions of Tustin and was created to develop and maintain a program to help mitigate area-wide traffic generated by land development. The JPA originally identified two program benefit areas, both of which straddle Santa Ana and Tustin. The JPA determines appropriate developer transportation impact fees and controls expenditures of fee revenues for transportation improvements which benefit the respective area. The governing board is comprised of four members, consisting of two Council members from each City.

6. League of California Cities

The League of California Cities is an association of California city officials who work together to enhance their knowledge and skills, exchange information, and combine resources so that they may influence policy decisions that affect cities. The League accomplishes its mission to protect and strengthen local control by working with city officials throughout California get involved through a variety of ways.

7. Southern California Association of Governments (SCAG)

The Mayor nominates a representative for Regional Council District 16, representing the City of Santa Ana.

Purpose: Functions as the Metropolitan Planning Organization for six counties: Los Angeles, Orange, San Bernardino, Riverside, Ventura and Imperial; and represents 191 cities. The region encompasses a population exceeding 18 million persons in an area of more than 38,000 square miles.

As the designated Metropolitan Planning Organization, the Association of Governments is mandated by federal and state law to research and draw up plans for transportation, growth management, hazardous waste management, and air quality. Additional mandates exist at the state level.

8. Orange County Council of Governments Board of Directors (OCCOG)

The Mayor nominates a representative for Regional Council District 16, representing the City of Santa Ana.

Purpose: OCCOG is a joint powers agency comprised of 39 dues-paying agencies in Orange County. This organization was created to establish a unified Orange County position in performing its charge as an official sub-region of SCAG, the federally designated Metropolitan Planning Organization (MPO).



9. Metropolitan Water District (MWD)

A board member is selected by the majority of the City Council (member does not have to be an elected official).

Purpose: The MWD of Southern California is a regional wholesaler that delivers water to 26 member public agencies, including 14 cities, 11 municipal water districts, one county water authority. In turn provides water to more than 19 million people in Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura counties. MWD is governed by a 38-member board of directors who represent their respective member agencies ensuring each member agency is part of the governance of MWD.

The mission of the MWD of Southern California is to provide its service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way. MWD currently delivers an average of 1.5 billion gallons of water per day to a 5,200-square-mile service area.

10. Orange County Mosquito and Vector Control District

A board member is selected by the majority of the City Council (member does not have to be an elected official).

Purpose: The mission of the Orange County Vector Control District is to provide the citizens of Orange County with the highest level of protection from vectors and vector-borne diseases.

11. Orange County Transportation Authority (OCTA) Board

This seat is filled through the City Selection Committee process. This committee was established through Government Code § 50270 which allows the Committee to nominate a member to the OCTA, that “the membership of each city selection committee shall consist of the Mayor of each city within the county. In Section 50271, it states that “when the Mayor is unable to attend a meeting of a City selection committee, the mayor shall designate another member of the City’s legislative body to attend and vote at the meeting as the mayor’s representative.”

Purpose: To provide policy input and direction to OCTA staff regarding regional public transportation and public transit issues in Orange County.

12. South Coast Air Quality Management District (SCAQMD)

This seat is filled through the City Selection Committee process. This committee was established through Government Code § 50270 which allows the Committee to nominate a member to SCAQMD. One city official and one county official from Orange County serve on the 13-member Board of Directors.



Purpose: The SCAQMD is the regional government public health agency responsible for air pollution control in Los Angeles and Orange Counties and parts of Riverside and San Bernardino Counties. SCAQMD regulations must be approved by the California Air Resources Board and the U.S. Environmental Protection Agency.

13. Orange County Waste Management Commission

The Board of Supervisors established the Waste Management Commission on July 13, 1982.

Purpose: The Waste Management Commission is to advise the Orange County Board of Supervisors on matters relating to municipal solid waste and hazardous waste management, operation and maintenance of the County's landfills, and other facilities related to the County's solid waste disposal system.

14. Association of California Cities – Orange County

The Association of California Cities – Orange County represents the interests of Orange County cities on regional public policy issues. The ACC-OC is governed by a Board of Directors (13 voting elected officials) elected by mayors of all member cities. Executive committee seats are elected each year, with the exception of the Legislative Committee chair, who is elected to a two-year term to coincide with the Legislative session. The supervisory and large city representative seats are elected to serve two-year terms.

15. Orange County Housing Finance Trust (OCHFT)

A joint powers authority between the County of Orange and its cities throughout the county, the Orange County Housing Finance Trust was created for the purposes of funding housing specifically assisting the homeless population and persons and families of extremely low, very low, and low income within Orange County. The OCHFT is governed by a nine-member Board of Directors consisting of two members of the Orange County Board of Supervisors, two countywide elected officials, one representative from each member city, and two councilmembers selected from member cities, which are not already represented on the Board.

COMPENSATION, BENEFITS AND TRAVEL

COMPENSATION AND BENEFITS

The Mayor and Councilmembers receive compensation for their services pursuant to the City Charter. The compensation package includes salary and stipends, an auto allowance, retirement plan/deferred compensation, and health and life insurance benefits.



At the November 8, 2016 general election, voters of the City of Santa Ana approved Measure PP – City of Santa Ana’s Council Compensation Charter Reform. Measure PP amended Section 402 of the City of Santa Ana’s City Charter to state that the Mayor and Councilmembers shall receive a monthly salary in accordance with a population formula set forth in California Government Code Section 36516.

The following is a summary of the City Council compensation package:

- A **monthly salary** of \$1,000.00 for City Council meetings.
- A **stipend** of \$50.00 per session as a member of the Housing Authority, provided that Councilmembers not exceed four (4) sessions per calendar month (pursuant to Resolution 89-089).
- A monthly **automobile allowance** of \$500.00 (pursuant to Resolution 2015-001).

RETIREMENT BENEFITS/DEFERRED COMPENSATION

The City offers a CalPERS retirement plan for full time employees and designated part time employees, and a deferred compensation plan (in lieu of Social Security). City Councilmembers have the option of either of the following plans:

- Optional membership in the Public Employees Retirement System (PERS) equivalent to a regular City employee (Pursuant to Ordinance NS-2150).
Deferred Compensation in lieu of Social Security. The City matches the employee's contribution of 3.5% of salary.

HEALTH & LIFE INSURANCE BENEFITS

City Councilmembers are eligible to enroll in several City-sponsored group insurance plans, including medical, dental, vision, and basic life insurance (pursuant to Resolution 89-089). Below is a summary of coverage available:

- A \$20,000 basic life insurance policy, while in office.
- Medical/Dental insurance coverage paid by the City as normally provided for unrepresented City Council-appointed employees of the City of Santa Ana. Medical/Dental cash-back option is available for those who have medical insurance coverage through other sources.
- Vision insurance available for purchase.
- Councilmembers may also enroll in the City's Section 125 Cafeteria Plan, also known as a Flexible Benefit Plan, allowing payment for certain health benefits with pre-tax dollars.



TRAVEL

The City's travel policy recognizes that it is necessary and desirable for members of the City Council to attend various conferences and meetings to perform their official duties. Meeting with regional, state, federal and international officials on matters affecting City policies, such as: participation in regional, state, and national organizations; attending educational seminars designed to improve officials' skill and information levels; and, promoting public service and morale by participating in community events of substantial benefit to the community.

All arrangements for City related travel out of the area are made by the City Manager's Office staff. Registration, transportation, lodging, and per diem are processed in advance of the trip, whenever possible, and prepaid by the City. Reimbursable expenses incurred while on City business can be paid for with the per diem allowance or a personal credit card; receipts for all such transactions should be submitted to the City Manager's Office for travel reconciliation within five days of the end of the City related travel.

Please note that Assembly Bill 1234 (AB 1234) established a number of ethics reforms in state and local government related to expense reimbursements for public officials. AB 1234 requires local government to do the following: (1) Establish a formal policy for reimbursement of travel, meals, and lodging expenses; (2) Establish formal travel expense report standards; and (3) Establish a regular ethics training program.

Accordingly, a new travel and expense reimbursement policy was implemented in June 2018. Please review the travel policy in its entirety to become familiar with the expense reimbursement standards.

NOTE: All City related travel must be reported out by the Councilmember at a public meeting. All travel expense reimbursement documents are open for public inspection and review, and may be released upon request.

CITY COUNCIL ELECTIONS AND FINANCIAL DISCLOSURES

ELECTIONS

General municipal elections are held on the first Tuesday that follows the first Monday of the month of November, during each even-numbered year. Municipal elections are administered by the COTC through the Orange County Registrar of Voters. The City has the right to consolidate its general municipal election with the election of any public district, county, or other political subdivision including all or part, within the boundaries of the City. Any other municipal elections that may be held by authority of the Charter, or of any law, are considered Special Municipal Elections.



Elections are held in accordance with the provisions of the Elections Code of the State of California, as long as those provisions are not in conflict with the City Charter. The powers of initiative, referendum, and recall of elected officers are reserved to the elections of the City.

The Mayor is nominated by electors of the City, while Councilmembers are nominated by electors of their respective wards. The Mayor is elected by the electors of the City in an at-large election, while the Councilmembers are elected by electors of their respective wards. The City's election system is referred to as "district-based" or "ward-based" elections.

The term of each member shall begin at 6:00 p.m. on the second Tuesday of December following certification of election results, and each shall serve except as otherwise provided for in the Charter, until his or her successor is elected and qualified (SAMC 400).

*Special Election rules differ. Please reference Santa Ana Municipal Code for additional information on Special Elections.

CAMPAIGN CONTRIBUTION LIMITS / CONFLICT OF INTEREST LIMIT

Pursuant to Santa Ana Charter Section 1206, no candidate for the position of Mayor nor Councilmember shall solicit or accept any contribution or loan in excess of one thousand dollars (\$1,000.00) during any election cycle from a single source. An election cycle means the period of time between the date of an election to the office of Mayor or Councilmember and the date of the following election to the same office. A candidate for the office of the City Council, including the Mayor, can have only one campaign committee and one campaign contribution account. All expenses related to a campaign must be withdrawn from one campaign contribution account. Any person who violates this Charter section is guilty of a misdemeanor.

The Santa Ana Municipal Code (SAMC) and the City Charter prohibit a Councilmember or Mayor from voting on, or using his or her position to, influence a decision affecting a person who has contributed two-hundred fifty dollars (\$250.00) or more to the Councilmember or Mayor's campaign within the previous 12 months. Additionally, the SAMC does not allow a Councilmember or Mayor to accept any campaign contribution of two hundred fifty dollars (\$250.00) or more from any one person for a period of three (3) months following the date a final decision is rendered in any City Council action involving a license, permit, or other entitlement, if the Councilmember knows or has reason to know that the person had a financial interest in the action.

Campaign contribution statements are due twice a year on non-election years (January 31 for the period beginning July 1 through December 31 of the preceding year and on



July 31 for the period beginning January 1 through June 30). During election year, for all candidates involved in the election, there are two additional filings in the months preceding the election. Please contact the COTC for more information, including deadlines.

MASS MAILINGS

Section 89001 of the Government Code prohibits mass mailings from being sent at public expense. Section 82041.5 defines a “mass mailing” as over 200 substantially similar items sent in a single calendar month that identifies an individual Councilmember or the Mayor, excluding form letters or other mail sent in response to an unsolicited request or inquiry. The FPPC has promulgated regulations for interpretation and application of these statutes and other provisions of the Political Reform Act (PRA). Please contact the CAO for specific criteria regulating mass mailings.

CAMPAIGN CONTRIBUTION FORMS - FILING OBLIGATION SCHEDULE

Non-Election Year Filings

- January 31 - Semi-annual Campaign Contribution Statement due January 31 (July 1 – December 31)
- April 1 – Conflict of Interest/Statement of Economic Interest forms due April 1 (January 1 – December 31)
- July 31 – Semi-annual Campaign Contribution Statement due July 31 (January 1 – June 30)

Election Year Filings

- January 31 – Semi-annual Statements due January 31 (July 1 – December 31)
- April 1 – Conflict of Interest (COI) Statement due April 1 (January 1 – December 31)
- July 31 – Semi-annual Campaign Contribution Statement due July 31 (January 1 – June 30)
- August - All candidates must file COI Statement with COTC at the same time as filing election Nomination Papers
- October – Two pre-election Campaign Contribution forms are due in October; first filing includes July 1 through September 30, and the second is due mid-month (October 1 – Mid-October)
- October / November – Late Expenditure and Contribution forms accepted on a continuing basis (day after second pre-election Campaign Contribution due date to election date)



STAFF SUPPORT SERVICES FOR THE CITY COUNCIL

The CMO provides the Mayor and City Council with appropriate staff support to facilitate their routine duties as City representatives. Some of the support duties include the following: preparing correspondence, calendaring Councilmember meetings and City events, making arrangements for City-related business travel, providing briefing materials, and other general administrative assistance. Councilmembers are assigned an Executive Assistant for daily assistance and may also request the assistance of a City staff member for additional support, such as for special projects or initiatives.

PUBLIC INFORMATION REQUESTS

The CMO responds to requests for public information through the Public Affairs Information Officer (PAIO) or his or her designee. The PAIO responds to all media and public requests for information and coordinates responses from City Departments and agencies. The PAIO is also responsible for coordinating press releases and press conferences.

REQUESTS FOR STAFF SUPPORT

The Mayor and City Councilmembers may request assistance directly through their Executive Assistant or other staff in the CMO, who will process the request appropriately, track information accordingly, and ensure follow-through with each requested item. Examples of such requests include the following: status reports regarding project under review by the Planning and Building Agency, construction updates from the Public Works Agency, information about tree trimming City program, or any other City-related inquiry. These requests are documented and forwarded to the appropriate City agency, which will provide updates and responses to each inquiry. The CMO will ensure that information is provided in a timely manner. For requests for City services, such as graffiti removal, street sweeping, road repair, and more, CMO staff will use the City's existing processes and digital tools to request City services and to ensure an equitable outcome. Councilmembers shall refrain from providing direction, taking action, or otherwise becoming involved in any supervisory role, with respect to individual City employees.

CORRESPONDENCE

The Mayor and City Council may direct the CMO staff to prepare responses on their behalf, to any incoming correspondence addressed to the Mayor and City Council. This may include phone calls, emails, and/or written letters. Copies of all correspondence addressed to the Mayor and/or City Council will be forwarded to each Councilmember.

INVITATIONS

The CMO frequently receives invitations for the City Council to attend community meetings, special events, and celebrations. Invitations are forwarded to Councilmembers



as they are received. Councilmembers interested in attending events should contact the CMO staff for follow-up. Please note that the City Manager is authorized to have the City pay for costs associated with the attendance of a Councilmember and spouse or guest at approved meetings and events (Resolution No. 2006-027).

NOTE: Free admission or ticket(s) to an event may be required to be disclosed on the Statement of Economic Interest (fair market value of \$50.00 or more) when the following are not done: give a speech, participate in a panel, seminar, act in a ceremonial capacity, or similar service.

STAFF CONTACT INFORMATION

Councilmembers may reach the CMO staff during regular business hours by calling the following phone line: (714) 647-5200. Councilmembers wishing to contact City Departments during normal business hours may do so through the City Manager's Office.

Office phone numbers of the City Manager, City Clerk and City Attorney are as follows:

City Manager: (714) 647-5200
City Clerk: (714) 647-6520
City Attorney: (714) 647-5201

Mobile phone numbers for the Executive Management Team and other key staff will also be provided to Councilmembers.

PARKING

Councilmembers have designated parking spaces in the underground parking area at City Hall (entrance on Ross Street). Councilmembers who attend meetings or conduct other official City business at the SAPD may park in the parking structure directly across the street from SAPD. Parking will be validated at this location by SAPD staff.

Councilmembers also receive a Universal City Parking Pass, which allows the City Councilmember to park in any metered parking space or any permit parking area throughout the City. This parking pass DOES NOT allow parking in any other restricted parking area, such as disabled person parking spaces, red zones, no stopping any time zones, or loading zones.

DIGITAL TOOLS

The CMO will provide each Councilmember with appropriate digital tools to aid in conducting City business. Examples of such equipment include the following: tablet, mobile phone, computer, and printer. Technical support related to the use of electronic



equipment will be coordinated through the CMO. Please note that any communications transmitted through these devices are subject to the Public Records Act.

ELECTRONIC MAIL POLICY & INTERNET USAGE POLICY

Mayor and Councilmembers will be required to read, understand, and sign the Email Usage Policy and the Internet Policy. Please refer to the policies included in this handbook.

INCIDENTALS

The City of Santa Ana will supply each Councilmember with business cards, an ID Card (access card to the building & parking garage), and will schedule a professional portrait for City use.

CITY COUNCIL SPECIAL EVENT SPONSORSHIP FUNDS

On August 4, 2015, the City Council adopted Resolution 2015-042: A Resolution of the City of Santa Ana Establishing a City Special Event Sponsorship Policy and Guidelines for Disbursement of Discretionary Funds. This policy outlines the approval of sponsorships of the City of Santa Ana and City programs and services by external entities. Each Councilmember is able to appropriate up to \$10,000 per fiscal year to support eligible organizations, such as non-profit entities and neighborhood associations. Eligible applicants may complete and submit a donation request form to the CMO for processing.

CITY SEAL, LOGO, AND MOTTOS

The City logo includes one of three different mottos: "Education First", "Downtown Orange County", and "The Golden City". In addition, the City utilizes an official City seal, which was adopted in 1972. The following City policy establishes guidelines regarding the use of the seal, logo, or specific motto on City documents and equipment.

NOTE: It is prohibited to use the City seal, logo, or mottos in any campaign literature.

CITY STATIONERY

All City stationery utilizes the City seal. This includes letterhead, internal memo paper, and correspondence cards. In addition, City business cards utilize the City seal.

Formal City business documents also use the City seal. This includes the City Council meeting agendas, Request for Council Action (RFCA) forms, employment documents, purchasing agreements, billing documents, bid invitation forms, and more.



EXTERNAL COMMUNICATION DOCUMENTS

Documents for external distribution, such as PRCSA brochures, branded materials prepared by the CDA, employment announcements, and community meeting announcements may use the seal or the logo and any one of the City mottos. The Agency Director from each City Agency has the authority to make this determination.

Internal communication pieces used to conduct business may also utilize any of the approved seal, logo or mottos.

CITY SEAL, LOGO, AND MOTTOS



RESOLUTIONS/ORDINANCES TO CONSIDER

AFFORDABLE HOUSING ORDINANCE

In 2011, the City Council adopted the Housing Opportunity Ordinance (HOO) (also known as the Inclusionary Housing Ordinance) to encourage the development and availability of affordable housing by requiring the inclusion of affordable housing units within new developments when the number of units proposed exceeds the densities permitted under the General Plan. Developers have several options to satisfy the Housing Opportunity Ordinance. They may provide affordable units equaling ten to fifteen percent (10-15%) of units on site, or elect to satisfy their Inclusionary Housing requirements for a project by paying an in-lieu-of fee, providing the required affordable units.

CANNABIS

On November 4, 2014, Santa Ana voters approved Santa Ana's Medical Marijuana Regulatory Program ordinance ("Measure BB") with an overwhelming 66% approval, making Santa Ana the first jurisdiction in Orange County to license and regulate medical marijuana collectives.

During both 2017 and 2018, the City Council adopted ordinances approving adult and commercial cannabis uses in the City. Subsequently, the ordinances were voter approved by ballot measures that provided for the taxation of adult use and commercial cannabis businesses. During the development of the adult use cannabis policy, the City Council requested that staff ensure the resulting tax revenue be directed toward providing enhanced youth services and enforcement services.



SANCTUARY CITY ORDINANCE

At the December 6, 2016 City Council meeting, the Council adopted Resolution No. 2016-086, declaring the City of Santa Ana a sanctuary for all its residents, regardless of their immigration status. Resolution No. 2016-086 outlined that the City would implement various policies called for by the resolution. These policies include the following: protecting sensitive information; reaffirming the City's commitment to preventing biased-based policing and disallowing the use of City resources for immigration enforcement; exercising appropriate discretion in policing; providing additional training for all affected City employees, officials, and agents; and establishing a task force for oversight. The City Council adopted an ordinance on January 17, 2017 solidifying these policies into law.

WORKER COOPERATIVES AGREEMENT

In October 2018, City Council approved the Worker Cooperative Agreement, which will help the community increase wealth building by becoming the first city in Orange County to adopt a Resolution of Support for worker cooperatives. This community economic development initiative aimed to increase the wealth of the City's residents and provide the necessary resources for residents to become business owners in the City. The two main actions of the policy are summarized below:

1. Develop Worker Cooperative Support Program within the Economic Development Division
2. Support and promote the conversion of businesses into worker cooperatives by offering informational workshops to local businesses

CONCLUSION

If you would like additional information relating to any of the topics in the City Council Handbook, please contact any of the following offices:

City Manager: (714) 647-5200
City Clerk: (714) 647-6520
City Attorney: (714) 647-5201



City Council Handbook
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Santa Ana Charter

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ARTICLE I. - INCORPORATION AND SUCCESSION

Sec. 100. - Name of city.

The City of Santa Ana shall continue to be a municipal body politic and corporate and shall be possessed of all the property and interest of which it was possessed at the time this charter takes effect.

Sec. 101. - Boundaries.

The boundaries of the City shall be the boundaries as established at the time this charter takes effect, with the power and authority to change the same being as provided by law.

Sec. 101.1. - Wards of the city.

Prior to the general election in 1988 the City Council shall divide the City into six (6) wards by ordinance according to the following formula:

Each of the wards is to be as nearly equal in population as possible. The wards shall be composed of contiguous and compact territory and bounded by natural boundaries of street lines wherever possible. Any territory hereafter annexed to or consolidated with the City shall become a part of the ward to which it is most contiguous, pending any redistricting necessary to promote equality of population among the wards.

(Prop. of 4-9-57, approved on 4-16-57; Prop. of 2-4-63, approved on 4-2-63; Res. No. 63-027; Ord. No. NS-1316, 8-24-76, approved at election 11-2-76; Ord. No. NS-1521, 3-17-80, approved at election 6-3-80; Ord. No. NS-1864, 8-19-86, approved at election 11-4-86)

Sec. 101.2. - Wards, boundary changes. (modified)

Ward boundaries shall not be altered except as reasonably necessary to comply with the requirements of state and federal law and to promote greater equality of population among the wards when such necessity is shown by the most recent federal decennial census, or by more current census data certified by the City Council as sufficiently reliable and detailed to serve as a basis for ward boundary alteration, or by annexation or consolidation of territory. Such boundary alteration shall be made only by ordinance adopted by affirmative vote of at least two-thirds (2/3) of the full membership of the City Council in accordance with section 101.4. Any such ordinance adopted within one

hundred twenty (120) days immediately preceding any election of council members shall not become effective until the day following such election.

(Prop. of 4-9-57, approved on 4-16-57; Prop. of 2-4-63, approved on 4-2-63; Res. No. 63-027; Ord. No. NS-1316, 8-24-76, approved at election 11-2-76; Res. No. 2018-056 , § 7(Exh. A), 7-17-18, approved at the election 11-6-18)

Sec. 101.3. - Reserved.

Editor's note— Ord. No. NS-1521, adopted March 17, 1980, approved at election June 3, 1980, repealed § 101.3 relative to increasing the number of wards of the City from 7 to 9 whenever the census data described in § 101.3 disclosed a population of 240,000 people. Said section had previously been amended by Prop. of 4-9-57, approved on April 16, 1957; Prop. of 2-4-63, approved on April 2, 1963; Res. No. 63-027 and Ord. No. NS-1316, adopted August 24, 1976, approved at election November 2, 1976.

Sec. 101.4. - Same—Notice and public hearing.

Before making any change, modification or realignment of ward boundaries or numbers of wards, the City Council shall pass a resolution declaring its intention to make such changes. Such resolution shall set forth a convenient day, hour and place when and where any persons having any interest therein, or any objection to the making thereof, may appear before the City Council and be heard thereon. The City Council shall direct the Clerk of the Council to give notice by publishing said resolution once a week for two (2) weeks in the official newspaper prior to the date set for hearing. Said hearing in the event of increasing the number of wards shall be held not less than sixty (60) days prior to the succeeding general municipal election. In any event, not less than thirty (30) days prior to the general municipal election, publication shall be made by map diagram in the official newspaper showing the new boundary lines of each and every ward.

Sec. 102. - Fiscal year.

The first fiscal year shall begin on the first day the provisions of this charter become effective and shall end on the last day of the following June, and the succeeding fiscal years shall end respectively on the last day of June in each succeeding year.

Cross reference— See also § 603.

Sec. 103. - Rights of officers and employees preserved.

Nothing in this charter contained, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the City in relation to personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights, or any other rights or privileges of officers or employees of the City or any office, department, or agency thereof.

Secs. 104, 105. - Reserved.

Editor's note— Ord. No. NS-1642, adopted Aug. 2, 1982, approved at election Nov. 2, 1982, repealed §§ 104, 105, 107-109, relative to officers and employees continuing in the performance of their duties at the time of taking effect of the charter, transfer of records and property, continuing in effect of ordinances, contracts, public improvements, etc., and the effect of the charter on pending actions and proceedings.

Sec. 106. - Rights and liabilities.

The City of Santa Ana, as successor in interest of the municipal corporation of the same name, shall own, possess, control, and in every way succeed to and become the owner of all rights and of all property of every kind and nature owned, possessed, or controlled at the time this charter takes effect, and shall be subject to all the debts, obligations, and liabilities then existing of this municipal corporation.

Secs. 107—109. - Reserved.

Note— See the editor's note at § 104.

Sec. 110. - Effective date of Charter.

For the purpose of nominating and electing members of the City Council and the board of education, the provisions of this charter shall become effective from the date of its approval by the Legislature of the State of California. For all other purposes this charter shall be in effect on the first Tuesday next following the first election of members of the City Council thereunder, at (8:00) p.m.

ARTICLE II. - POWERS OF THE CITY

Sec. 200. - Powers of the city.

The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this charter and in the Constitution of the State of California. The City shall also have all other rights, powers and privileges which are not prohibited by, or in conflict with, the State Constitution or this charter and which it would be proper to specifically set forth in this charter, even though such are not herein set forth. It shall also have the power to exercise any and all rights, powers, privileges heretofore or hereafter established, granted, or prescribed by any law of the state, by this charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution and laws of the State of California.

The enumeration or specification in this charter of any particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions.

The City shall have the power to act pursuant to procedure established by any law of the state, unless a different procedure is established by this charter or by ordinance.

(Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

ARTICLE III. - FORM OF GOVERNMENT

Sec. 300. - Council-manager form.

The municipal government established by this charter shall be known as the "council-manager" form of government.

ARTICLE IV. - CITY COUNCIL

DIVISION 1. - GENERALLY

Sec. 400. - Number, selection and terms of members. (modified)

The City Council shall consist of seven (7) members elected at the times and in the manner provided in this charter, each of whom, except for the mayor, shall serve a term of four (4) years. The term of each member shall begin at 6:00 p.m. on the second Tuesday of December following certification of election results, and each shall serve except as otherwise provided for in this charter, until his or her successor is elected and qualified. Each office of councilmember shall be a separate office and, except for the mayor, one (1) of such offices shall be assigned to each of the wards of the City. Councilmembers shall be residents of their respective wards, and nominated and elected only by the voters of their respective wards. The Mayor shall be elected from the City at large.

(Prop. of 2-4-63, approved on 4-2-63; Res. No. 63-027; Ord. No. NS-1316, 8-24-76, approved at election 11-2-76; Ord. No. NS-1346, 1-25-77, approved at election 4-5-77; Ord. No. NS-1642, 8-2-82, approved at election 11-2-82; Ord. No. NS-1864, 8-19-86, approved at election 11-4-86; Ord. No. NS-1973, 8-15-88, approved at election 11-10-88; Ord. No. NS-2715, 7-3-06, approved at election 11-7-06; Res. No. 2018-056 , § 7(Exh. A), 7-17-18, approved at the election 11-6-18)

Sec. 401. - Qualifications of members.

To be eligible to be elected to the office of councilmember, a person must be a qualified voter and a thirty (30) day resident of the ward from which the candidate is nominated at the time nomination papers are issued as provided for in the Elections Code of the State of California, except that the mayor need only be a registered voter and thirty (30) day resident of the city at such time. In the event any councilmember other than the mayor shall cease to be a resident of the ward from which the councilmember (or, in the case of an appointee, the councilmember's predecessor) was elected, or in the event the mayor shall cease to be a resident of the city, the office shall immediately become vacant and shall be filled in the same manner as herein provided for other vacancies; provided, that where a councilmember ceases to be a resident of the ward from which the councilmember (or, in case of an appointee, the councilmember's predecessor) was elected solely because of a change in boundaries of any ward as in this charter provided, the councilmember shall not lose the office by reason of such change. If a member of the city council shall be convicted of a crime involving moral turpitude, the office shall immediately become vacant and be so declared by the city council.

A person who has served three (3) consecutive terms of four (4) years each shall be eligible for appointment, nomination for or election to the office of councilmember (regardless of wards represented by that person during such period) no sooner than for a term beginning eight (8) years after completion of that councilmember's third consecutive full term.

Short or partial terms shall not be considered in determining eligibility for appointment, nomination or election. For purposes of this Charter, short or partial terms shall only be those where the councilmember was elected or appointed to replace another councilmember who left office before the latter official's term expired. Any councilmember who assumed office at the beginning of a term and left office early for any reason whatsoever shall be deemed to have served a full term; provided, however that any person who has served twenty (20) consecutive years in office, as both a council member and mayor, regardless of the order in which they served, shall not be eligible for appointment, nomination or election as a council member or as mayor, no sooner than for a term beginning eight (8) years after completion of the council member or mayoral term, or vice versa. The provisions of this section related to short or partial terms is deemed to be declaratory of existing law.

(Prop. of 6-7-66, approved on 8-15-66; Res. No. 66-121; Ord. No. NS-1521, 3-17-80, approved at election 6-3-80; Ord. No. NS-1864, 8-19-86, approved at election 11-4-86; Ord. No. NS-2715, 7-3-06, approved at election 11-07-06; Res. No. 2007-057-S1, 11-5-07, approved at election 2-5-08; Res. No. 2012-034, 8-1-12, approved at election 11-6-12)

Sec. 401.05. - Code of ethics and conduct.

The City of Santa Ana shall adopt a Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees to assure public confidence in the integrity of local government elected and appointed officials. The City Council shall adopt the Code of Ethics and Conduct by ordinance or resolution within six months of the effective date of this Charter section.

(Res. No. 2007-057-S1, 11-5-07, approved at election 2-5-08)

Sec. 401.1. - Order of filling offices.

The offices of councilmember from wards one, three, and five shall be filled at the general municipal election held in 1988, and the offices of councilmember from wards two, four and six shall be filled at the general municipal election held in 1990. Thereafter, the offices of councilmember from wards one, three and five and from wards, two, four and six shall be filled alternately at the general municipal elections held in the years in which the terms of such offices respectively expire.

The candidate elected from each ward at each such election shall be the candidate receiving the highest number of votes cast for any candidate from said ward.

(Prop. of 4-9-57, approved on 4-16-57; Ord. No. NS-1316, 8-24-76, approved at election 11-2-76; Ord. No. NS-1346, 1-25-77, approved at election 4-5-77; Ord. No. NS-1642, 8-2-82, approved at election 11-2-82; Ord. No. NS-1864, 8-19-86, approved at election 11-4-86)

Sec. 402. - Compensation of members.

Each member of the City Council and the Mayor shall receive as a monthly salary for his or her services, the maximum amount allowed by the population formula set forth in California Government Code Section 36516 as of November 8, 2016. No increase in the monthly salary shall occur without first being approved by the voters pursuant to a Charter amendment. Further, each member of the City Council and Mayor shall receive reimbursement for required travel and other expenses while on official business of the City as authorized and approved by Resolution of the City Council. In accordance with Section 36516 any amounts paid by City for retirement, health and welfare benefits shall not be included for purposes of determining salary under this section, provided that the same benefits are available and paid by the City for its executive employees. Any amounts paid by the City to reimburse for actual and necessary expenses pursuant to a Council Resolution shall not be included for purposes of determining salary. Any member of the Council may waive any or all of the compensation permitted by this section.

Absence of the Mayor or a member of the City Council from all regular and special meetings of the City Council during any calendar month shall render him or her ineligible to receive the monthly salary for such a calendar month, unless such absence was approved by the City Council as expressed in its official minutes.

(Prop. of 8-4-54, approved on 11-1-58; Res. No. 58-193; Prop. of 2-4-63, approved on 4-2-63; Res. No. 63-027; Ord. No. NS-1973, 8-15-88, approved at election 11-10-88; Res. No. 2016-061, approved at election 11-8-16)

Sec. 403. - Vacancies.

In the event of a vacancy in the City Council, for whatever cause, the City Council shall declare the office vacant and fill the same by appointment. In each case the person so appointed shall hold office until the next general municipal election and until his successor is elected and qualified for the remainder of an unexpired term. Such appointee must, at the time of his appointment and continuously for one (1) year prior thereto, have been and be a resident of the ward from which his predecessor was elected. If the City Council shall fail to fill a vacancy by appointment within thirty (30) days after such an office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.

If a member of the City Council absents himself from all regular meetings of the City Council for a period of sixty (60) days consecutively from and after the last regular City Council meeting attended by such member, unless by permission of the City Council expressed in its official minutes, his office shall become vacant and shall be so declared by the City Council.

(Ord. No. NS-1346, 1-25-77, approved at election 4-5-77; Ord. No. NS-1864, 8-19-86, approved at election 11-4-86)

Sec. 404. - Presiding officer, mayor. (modified)

The mayor shall be a member of the City Council and shall preside over the meetings of the City Council. The mayor shall have voice and vote in all of the City Council's proceedings and shall be recognized as head of the City government for all ceremonial purposes. The mayor shall have no administrative duties but shall perform such other duties as may be prescribed by this charter, or imposed by the City Council, consistent with his office.

The mayor shall be elected by the voters of the City at large at each general municipal election in November of even-numbered years for a two-year term commencing on the same date as the terms of other council members elected in such year. No person may be a candidate for mayor and a candidate for any other office on the City Council in the same election. In the event an incumbent City Council member other than the mayor is elected mayor such other office shall become vacant at the time he or she assumes office as mayor and the City Council shall call a special election to fill the vacancy.

To be eligible to be elected to the office of mayor a person must be a qualified voter as provided for in the Elections Code of the State of California. If the mayor is convicted of a crime involving moral turpitude, the office shall immediately become vacant and be so declared by the city council.

A person who has served four (4) consecutive terms of two (2) years each, commencing with the term entered as a result of the November 2012 election, shall be eligible for appointment, nomination for or election to the office of mayor no sooner than for a term beginning eight (8) years after completion of the mayor's fourth consecutive full term. This eight year "cooling off" period shall not apply to eligibility for appointment, nomination for or election to a council member office; provided, however, that any person who has served twenty (20) consecutive years in office, as both a council member and mayor, regardless of the order in which they served, shall not be eligible for appointment, nomination or election as a council member or as mayor, no sooner

than for a term beginning eight (8) years after completion of the council member or mayoral term.

Short or partial terms shall not be considered in determining eligibility for appointment nomination or election as mayor. For purposes of this Charter, short or partial terms shall only be those where the mayor was elected or appointed to replace another mayor who left office before the latter official's term expired. Any mayor who assumed office at the beginning of a term and left office early or before term expires for any reason whatsoever shall be deemed to have served a full term. The provisions of this section related to short or partial terms is deemed to be declaratory of existing law.

(Ord. No. NS-1864, 8-19-86, approved at election 11-4-86; Res. No. 2012-034, 8-1-12, approved at election 11-6-12)

Sec. 405. - Mayor pro tem.

In the first meeting of the City Council following any general or special election at which members of the City Council are elected, the City Council shall elect a mayor pro tem who shall act as mayor during the absence from the City or disability of the mayor, or during any vacancy in the office of mayor until otherwise filled in accordance with section 403.

(Ord. No. NS-1864, 8-19-86, approved at election 11-4-86; Ord. No. NS-1973, 8-15-88, approved at election 11-10-88)

Sec. 406. - Council judge of elections and qualifications of members.

The City Council shall be the judge of the election and qualifications of its members as defined in section 401 of this charter and shall meet on the first regularly scheduled meeting after election returns are certified for any municipal election at which members of the City Council are elected, declare the results thereof, and install elected members, if any.

(Prop. of 6-7-66, approved on 8-15-66; Res. No. 66-121; Ord. No. NS-1973, 8-15-88, approved at election 11-10-88)

Sec. 407. - Powers and duties as prescribed by law.

All powers of the City and the determination of all matters of policy shall be vested in the City Council, subject to the provisions of this charter and to the Constitution of the State of California.

Sec. 408. - Interference in administrative matters.

Except for the purpose of inquiry, the City Council and its members shall deal with the administrative branch of the City government solely through the City Manager or his designated deputy, and neither the City Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Neither the City Council nor any of its members shall direct or request the appointment of any person to, or his removal from, an office by the City Manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative branch of the City government, except as specifically provided in this charter.

Sec. 409. - Meetings.

The council shall provide, by ordinance or resolution, not inconsistent with other provisions of this section, for the time, place, and manner of holding its meetings. Copies of such ordinances or resolutions shall be kept on file in the office of the Clerk of the Council where they shall be available for public inspection. To the extent that they are not inconsistent with other sections of this charter, the provisions of Chapter 9 of Part 1 of Division 2 of Title 5 of the Government Code, as they now exist or may hereafter be amended, insofar as they relate to the right of the public to attend meetings of council, the adjournment of regular or adjourned regular meetings, the calling of special meetings, and the holding of executive sessions, shall govern meetings of the council. No business shall be considered at any special meeting other than such as is specified in the notice of such meeting.

(Prop. of 2-4-63, approved on 4-2-63; Res. No. 63-027; Prop. of 6-7-66, approved on 8-15-66; Res. No. 66-121; Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

Sec. 410. - Quorum.

A majority of the members of the City Council shall constitute a quorum to do business, but a lesser number may adjourn from time to time. Except as otherwise provided elsewhere in this charter or by law, no ordinance, resolution or motion shall be passed, adopted, or become effective unless it receives the affirmative vote of a majority of the full membership of the City Council. In the absence of all of the members of the City Council from any regular meeting, the Clerk of the Council may declare the same adjourned to a stated day and hour.

(Prop. of 2-4-63, approved on 4-2-63; Res. No. 63-027; Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

Sec. 411. - Rules and procedures.

The City Council shall establish rules for the conduct of its proceedings and to preserve order at its meetings. It shall, through the Clerk of the Council, maintain a record of its proceedings which shall be open to public inspection. Any member of the City Council may place items on the City Council agenda to be considered by the City Council.

The City Council may organize special committees of its members for the principal functions of the government of the City. It shall be the duty of each such committee to be informed of the business of the City government included within the assigned functions of the committee, and, as ordered by the City Council, to report to the City Council information or recommendations which shall enable the City Council properly to legislate.

Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power and authority on any investigation or proceeding pending before it to impel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and may be attested by the Clerk of the Council. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds) shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this charter are punishable.

(Prop. of 2-4-63, approved on 4-2-63; Res. No. 63-027; Ord. No. NS-2074, § 1, 8-6-90, approved at election 11-6-90)

Sec. 412. - Citizen participation.

No citizen shall be denied the right personally, or through counsel, to present grievances at any meeting of the City Council, or to offer suggestions for the betterment of City affairs.

DIVISION 2. - ORDINANCES AND RESOLUTIONS

Sec. 413. - Adoption (ordinances).

Every ordinance shall be introduced in writing. A copy of each ordinance and written resolution shall be available in the council's chambers for public inspection during any council meeting at which the same is to be passed or adopted. No ordinance shall be

passed finally on the day it is introduced, except for emergency ordinances as hereinafter defined in Section 415, nor within six (6) days thereafter, nor at any time other than at a regular or adjourned regular meeting. A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, providing its general scope and original purpose are retained. The rights and powers conferred on the City Council shall be exercised by ordinance, resolution or motion as may be prescribed by the Constitution or Laws of the State of California, and the provisions of this Charter; provided, that each act of the City Council establishing a fine or other penalty or granting a franchise shall be by ordinance.

No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting, except when a state of emergency has been declared or at an emergency meeting properly convened.

All ordinances and written resolutions shall be signed by the mayor and attested by the Clerk of the Council.

(Prop. of 2-4-63, approved on 4-2-63; Res. No. 63-027; Ord. No. NS-1405, 3-13-78, approved at election 6-6-78; Ord. No. NS-2715, 7-3-06, approved at election 11-7-06)

Sec. 414. - Enactment.

The enacting clause of all ordinances shall be substantially as follows: "The City Council of the City of Santa Ana does ordain as follows:"

Sec. 415. - Emergency measures.

Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health, or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by the affirmative votes of at least two-thirds (2/3) of the members of the council.

(Prop. of 2-4-63, approved on 4-2-63; Res. No. 63-027)

Sec. 416. - Publication.

Except as otherwise provided elsewhere in this charter, and with the exception of ordinances which take effect immediately upon adoption, no ordinance shall be adopted unless (a) it is first passed for publication of title, (b) the title of the ordinance is published as hereinafter provided in this section, and (c) at least six (6) days have

elapsed between the date it was passed for publication of title and the date it is adopted. The title of an ordinance shall be deemed to have been "published," as said term is hereinabove used in this section if such title is printed in a newspaper of general circulation in the City no later than the third day immediately preceding the date of its adoption. No part of any ordinance, or proposed ordinance, other than its title, need be published.

(Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

Sec. 417. - When effective.

Except as otherwise provided in this charter, each adopted ordinance shall become effective at the expiration of thirty (30) days after adoption or at any later date specified therein.

The following ordinances shall take effect immediately upon adoption:

- (a) An ordinance calling or otherwise relating to an election;
- (b) An ordinance adopted pursuant to a state law by virtue of which such ordinance shall be effective immediately;
- (c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property;
- (d) An emergency ordinance adopted in the manner provided for in this charter;
- (e) An ordinance providing for an appropriation for the usual current expenses of the City;
- (f) An ordinance relating to a bond issue.

Nothing contained in this section shall be deemed to require an ordinance when an ordinance is not otherwise required.

(Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

Sec. 418. - Amendment.

No section of any ordinance or of any code shall be amended unless the whole section to be amended is set forth as amended.

(Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

Sec. 419. - Codification.

Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption and which have not been repealed, may be compiled, consolidated, revised, indexed, and arranged in a comprehensive ordinance code, and such code may be adopted by reference by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than one (1) copy thereof shall be filed for use and examination in the office of the Clerk of the Council prior to the adoption thereof; and, in lieu of the publication of the ordinance, there shall be published a notice in the official newspaper describing the ordinance in brief and in general terms and stating that the code is available for public inspection at the office of the Clerk of the Council, together with the time and place when and where it will be considered for final passage. Ordinances codified shall be repealed as of the effective date of the code. Subsequent amendments to sections of the code shall be enacted in the same manner as herein required for the amendment of ordinances generally.

Detailed regulations pertaining to any subject such as the construction of buildings, plumbing, wiring, or other subjects which require extensive regulations, after having been arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this section.

(Ord. No. NS-1864, 8-19-86, approved at election 11-4-86)

State Law reference— For similar provisions, see §§ 50022.1—50022.8, Gov. Code.

Sec. 420. - Violation and penalty.

The City Council may make the violation of its ordinances a misdemeanor or infraction which may be prosecuted in the name of the People of the State of California or may be redressed by civil action and may prescribe punishment for such misdemeanor or infraction in the same manner as provided in the penal code of the State of California as the same now reads or as hereafter amended.

(Ord. No. NS-1642, 8-2-82, approved at election 11-2-82)

DIVISION 3. - MISCELLANEOUS

Sec. 421. - Non-public works contracts.

- (a) The City shall not be bound by any contract, unless the same shall be made in writing by order of the City Council, except as hereinafter provided, and signed by an officer on behalf of the City who has been authorized to do so by the City Council. The approval of the form of all contracts shall be endorsed thereon by the City Attorney, or his or her designated representative.
- (b) The City Council may by ordinance authorize the City Manager to bind the City on contracts for such amounts as may be established from time to time. At least quarterly, the City Manager shall place on the City Council agenda for information, a report of contracts let by the City Manager pursuant to authority granted hereby. That report shall include the identities of contractors and amounts of each contract.
- (c) The City Council shall establish by ordinance rules and procedures for competitive bidding for purchases of, or contracts for materials, supplies, equipment, or services, including exceptions from formal bidding as the City Council may deem appropriate, including providing for emergencies. Nevertheless, such rules and procedures shall provide, where feasible, for review of such alternative sources of such materials, supplies, equipment, or services, including professional services, as may be available in competition with one another and selection therefrom on the basis of obtaining maximum quality goods, services, or performance at minimum cost, and may provide for use of other public agency bidding and contracting processes where found to be otherwise consistent with this Charter. Nothing herein contained shall authorize any person to bind the City on any such contract if the same be a portion of a larger purchase or series of purchases which, in the aggregate, exceed the authority set by the City Council hereunder.

(Prop. of 2-4-63, approved on 4-2-63; Res. No. 63-027; Ord. No. NS-1405, 3-13-78, approved at election 6-6-78; Ord. No. NS-1642, 8-2-82, approved at election 11-2-82; Ord. No. NS-2715, 7-3-06, approved at election 11-7-06)

Sec. 422. - Public works contracts.

- (a) For purposes of this section, "public works construction" shall be deemed to mean a project for the erection or improvement of public buildings, streets, drains, sewers, or parks. Maintenance and repair of public buildings, streets, drains, sewers, or parks shall not be considered as public works construction.

- (b) Every contract for public works construction in excess of that amount set from time to time by ordinance of the City Council pursuant to (c) below, shall be made by the City Council with the lowest and best bidder after publication for at least two (2) days in a newspaper of general circulation in the City of notice calling for bids and fixing a period during which such bids will be received, which shall be for not less than ten (10) days after the first publication of said notice, except where alternate contracting procedures are utilized pursuant to (c), below.
- (c) The City Council shall adopt by ordinance rules and procedures for competitive bidding for all public works contracts, which rules and procedures shall establish limits for public works contracts approved by the City Manager. Such rules and procedures shall establish criteria for thresholds for formal and informal bidding, and notice requirements therefor; standards for rejection of bids and dispensing with bidding; criteria and procedures for prequalifying bidders and contractors; and utilization of alternate project delivery systems such as design-build contracts. For purposes of this Article, "design-build" means a range of methods of procuring design and construction from a single source, where the selection of the single source occurs before the development of complete plans and specifications. Notwithstanding the foregoing, any rule permitting dispensing of bidding and/or performing work with City forces for any reason including an emergency shall require the affirmative votes of at least two-thirds (2/3) of the members of the City Council.

(Ord. No. NS-2715, 7-3-06, approved at election 11-7-06)

Sec. 423. - Independent audit.

Prior to the beginning of each fiscal year the City Council shall designate a qualified certified public accountant who shall make an independent audit of the accounts and other evidences of financial transactions of the City government during the ensuing fiscal year and shall submit his report to the City Council and the City Manager at the end of such fiscal year. Three (3) copies of his report shall be placed in the office of the Clerk of the Council where the copies of the report shall be made available for inspection by the general public. Such certified public accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or of any of the officers of the City.

Sec. 424. - Reserved.

Editor's note— Ord. No. NS-1405. adopted March 13, 1978, approved at election June 6, 1978, repealed § 424 relative to publication of legal notices.

Sec. 425. - Reserved.

(modified)

Editor's note— Res. No. 2018-047, § 4(Exh. A), adopted July 3, 2018 and approved at the election of November 6, 2018, repealed § 425. Former § 425 pertained to disqualification due to campaign contributions and derived from Ord. No. NS-2170, adopted July 20, 1992 and approved at election November 3, 1992.

ARTICLE V. - CITY MANAGER

Sec. 500. - Appointment, removal and qualifications.

The City Council shall appoint a City Manager who by virtue of his position as City Manager shall be an officer of the City and who shall have the powers and shall perform the duties in this charter provided. No member of the City Council shall receive such appointment during the term for which he shall have been elected, nor within one (1) year after the expiration of his term.

The City Council shall appoint the City Manager for an indefinite term and may remove him by motion adopted by the affirmative votes of at least two-thirds ($2/3$) of the members of the council. At least thirty (30) days before such removal shall become effective, the City Council shall by resolution adopted by the affirmative votes of at least two-thirds ($2/3$) of the members of the council state the reasons for the removal of the City Manager. The City Manager may reply in writing and any member of the City Council may request a public hearing, which, if requested, shall be held not earlier than twenty (20) days nor later than thirty (30) days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the City Council may remove the City Manager by motion adopted by the affirmative votes of at least two-thirds ($2/3$) of the members of the council. The resolution stating the reasons for the removal of the City Manager may provide for the suspension of the City Manager from duty, but shall in any case cause to be paid him forthwith any unpaid balance of his salary and his salary for the next calendar month following the date of adoption of the resolution.

The City Manager shall be chosen on the basis of his executive and administrative qualifications. He shall be paid a salary commensurate with his responsibilities as chief administrative officer of the City.

(Prop. of 2-4-63, approved on 4-2-63; Res. No. 63-027)

Sec. 501. - Powers and duties.

The City Manager shall be the chief administrative officer and the head of the administrative branch of the City government. He shall be responsible to and under the direction of the City Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities, and duties, the City Manager shall have power and be required to:

- (a) Subject to the civil service provisions of this charter, and with the approval of the City Council, appoint all department heads and officers of the City except those officers the power of appointment of whom is vested in the City Council and as otherwise provided in this charter;
- (b) Subject to the civil service provisions of this charter and ordinances adopted pursuant thereto, pass upon and approve all proposed appointments and removals of subordinate employees, by all officers and heads of offices, agencies and departments;
- (c) Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption;
- (d) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;
- (e) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as to these matters as may seem to him desirable;
- (f) Keep himself informed of the activities of the several agencies, offices, and departments of the City and see to the proper administration of their affairs and the efficient conduct of their business;
- (g) Be vigilant and active in causing all provisions of the law to be executed and enforced;
- (h) Perform all such duties as may be prescribed by this charter or required of him by the City Council, not inconsistent with this charter;
- (i) Submit a monthly report to the City Council covering significant activities of the City agencies, offices, and departments under his supervision and any significant changes in administrative rules and procedures promulgated by him;
- (j) Submit special reports in writing to the City Council in answer to any requests for information filed with him by a member of the City Council.

(Ord. No. NS-2074, § 5, 8-6-90, approved at election 11-6-90)

Sec. 502. - Seat at council table.

The City Manager shall be accorded a seat at the City Council table and shall be entitled to participate in the deliberations of the City Council, but shall not have a vote. He shall attend all regular and special meetings of the City Council unless physically unable to do so or unless his absence has received prior approval by a majority of the council.

Sec. 503. - Absence, disability.

To perform his duties during his temporary absence or disability, the City Manager may designate by letter filed with the Clerk of the Council one of the other officers or department heads of the City to serve as acting City Manager during such temporary absence or disability. Such designation shall be subject to change thereof by the City Council. In the event of failure of the City Manager to make such designation, the City Council may by resolution appoint an officer or department head of the City to perform the duties of the City Manager until he shall be prepared to resume the duties of office.

ARTICLE VI. - REVENUE AND TAXATION

Secs. 600, 601. - Reserved.

Editor's note— Sections 600 and 601, relative to an ad valorem assessment and collection system, and to property tax limits, respectively, were repealed by Ord. No. NS-1864, adopted July 24, 1986, approved at election Nov. 4, 1986.

Sec. 602. - Bonded debt limits.

The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed ten (10) per cent of the total assessed valuation, for purposes of City taxation, of all the real and personal property within the City.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds (2/3) of the electors voting on such proposition at any election at which the question is submitted to the

electors and unless in full compliance with the provisions of the Constitution of the State of California and this charter.

Bonds, which are payable solely and exclusively out of the revenues of the revenue-producing utilities owned, controlled, or operated by the City, may be issued when the City Council, by ordinance, shall have authorized a proposition therefor, only with the assent of the majority of the voters, voting upon such proposition, at an election at which such proposition shall have been duly submitted to the qualified electors of the City. Such revenue bonds shall be excluded from the debt limit hereinbefore established and shall not constitute an indebtedness of the City.

Such proposition shall specify:

- (a) The property to be acquired and/or the improvements or additions to be made to the equipment for such revenue-producing utility, or utilities, and the estimate of the cost thereof,
- (b) The maximum amount of bonds to be issued for such purposes,
- (c) The regulations and procedures for the sale and issuance of the bonds, and
- (d) The provision to be made from the revenue of the utilities for the payment of interest on, and retirement of, the bonds.

Sec. 603. - Fiscal year.

The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth (30th) day of June the following year.

Cross reference— See also § 102.

Sec. 604. - Budget—Preparation by the city manager.

At such time as the City Manager may prescribe, but not later than sixty (60) days prior to the beginning of each fiscal year, each head of any office, agency, or department of the City government shall submit, through the director of finance, to the City Manager on forms and in the manner prescribed by the City Manager a detailed financial plan for the proper conduct of the office, agency, or department under his control. With this financial plan shall be submitted such summaries, schedules, and supporting data as may be prescribed by the City Manager. In preparing the proposed City budget, the City Manager shall review the financial plans submitted, hold conferences thereon with the office, agency, and department heads, respectively, and revise such plans as he may deem advisable.

Sec. 605. - Same—Submission to the city council.

On or before the fifteenth (15th) day of June of each year the City Manager shall recommend and submit to the City Council a proposed budget for the next ensuing fiscal year and a proposed appropriation ordinance as prepared by him.

(Prop. of 2-4-63, approved on 4-2-63; Res. No. 63-027)

Sec. 606. - Same—Public hearing.

Upon receipt of the proposed budget from the City Manager, the City Council shall proceed to the consideration of the proposed budget and, by the affirmative vote of at least a majority of its members, may increase, decrease, or omit any item or insert new items therein. Before adopting the budget the City Council shall fix the time and place for holding a public hearing upon the proposed budget and shall cause to be published a notice thereof not less than ten (10) days prior to said hearing, by at least one insertion in the official newspaper. Copies of the proposed budget shall be available for inspection by the public in the office of the Clerk of the Council at least ten (10) days prior to said hearing. At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

(Prop. of 2-4-63, approved on 4-2-63; Res. No. 63-027)

Sec. 607. - Same—Further consideration and adoption.

After the conclusion of the public hearing, the City Council may further consider the proposed budget and make any revisions thereof that it may deem advisable. On or before the thirty-first (31st) day of July the City Council shall adopt the budget with revisions, if any, by the affirmative votes of at least a majority of its members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. Between the first (1st) day of July and any subsequent date on which the budget, is adopted the several offices, departments and divisions shall be authorized to expend, each calendar month subject to the controls established in other sections of this charter, amounts of money equal to the expenditures of each such office, department or division during the preceding June.

The budget adopted by the City Council shall provide for the support of public recreation programs at least the equivalent of six cents (6) on each one hundred dollars (\$100) of

the assessed value of taxable property in the City on the legal assessment date for the previous fiscal year.

A copy of the adopted budget, certified to by the Clerk of the Council, shall be filed with the director of finance and a further copy shall be placed, and shall remain on file, in the office of the Clerk of the Council where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of all officers, offices, departments, and other agencies of the City and for the use of civic organizations.

(Prop. of 2-4-63, approved on 4-2-63; Res. No. 63-027)

Sec. 608. - Reserved.

Editor's note— Section 608, pertaining to the amount of money required to be raised by property tax and the certification of same, was repealed by Ord. No. NS-1864, adopted July 24, 1986, approved at election Nov. 4, 1986.

Sec. 609. - Budget appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several offices, agencies, and departments for the respective objects and purposes therein specified as stated in an appropriation ordinance. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least two-thirds (2/3) of the members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget; except that the City Council shall not reduce that portion of the budget providing for the support of public recreation programs below the amount specified in section 607 of this article.

(Prop. of 2-4-63, approved on 4-2-63; Res. No. 63-027)

Sec. 610. - Reserved. (modified)

Editor's note— Res. No. 2018-047, § 4(Exh. A), adopted July 3, 2018 and approved at the election of November 6, 2018, repealed § 425. Former § 425 pertained to Funds— General fund; stabilization fund and derived from the Charter of 1967.

Sec. 611. - Same—Capital improvement funds.

A fund for capital improvements generally is hereby created to be known as the "Capital Improvement Fund". The City Council may create by ordinance a special fund or funds for a special capital improvement purpose. The City Council may levy and collect taxes for capital improvements and may include in the annual tax levy a levy for such purposes, in which event it must apportion and appropriate to any such fund or funds the moneys derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this charter, unless authorized by the affirmative votes of a majority of the electors voting on the proposition at any election at which such question is submitted. The number of years in which such increased levy is to be made shall be specified in such proposition. The City Council may transfer, subject to the provisions of this charter, to any such fund any unencumbered surplus funds remaining on hand in the City at any time.

Once created, such fund shall remain inviolate for the purpose for which it was created, and if for a special capital improvement, then for such purpose only, unless the use of such fund for some other purpose is authorized by the affirmative votes of a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

If the purpose for which any capital improvement fund has been created has been accomplished, the City Council may transfer any unexpended or unencumbered surplus remaining in such fund to the fund for capital improvements generally, established by this charter.

Sec. 612. - Same—Working capital revolving funds.

The City Council may provide, by ordinance, for the establishment and maintenance of working capital funds for budgeted activities which are largely of a service nature for offices, departments, or agencies of the City. Such funds shall be operated on a revolving fund basis.

Sec. 613. - Claims—Formalities; treasury warrants.

Any claim against the City shall be in writing and may be in the form of a bill, invoice, payroll, or formal demand. The director of finance, with approval of the City Manager, may prescribe the form, or forms, on which claims against the City shall be presented to him. Each such claim shall be presented to the director of finance, who shall examine and audit it. If the claim is correct in all respects, has not previously been paid nor certified for payment, is provided for by an appropriation for the purpose or object that

gave rise to it, and if sufficient funds for the payment thereof remain unencumbered in such appropriation, and if the claim is otherwise legally due and payable, the director of finance shall so certify on the original form evidencing the claim and shall draw his warrant on the treasury, and against the proper fund, for the payment thereof.

All claims certified for payment by the director of finance, and warrants drawn by him for the payment thereof, shall be transmitted by him to the City Manager together with a list of such warrants payable from each fund, showing for each warrant the number, date, and amount of the warrant and the name of the payee. The City Manager may approve or disallow any of the claims so certified for payment. Any person dissatisfied with the refusal of the director of finance and/or the City Manager to approve any claim, in whole or in part, may present such claim to the City Council. The City Council, after examination into the matter, may approve or disapprove the claim in whole or in part, and, if properly payable under an existing appropriation, may order the director of finance to draw his warrant on the treasury in payment thereof. For any such claim for which no provision, by way of appropriation, exists, but which is approved for payment by the City Council, appropriation by the City Council shall be made therefor before the director of finance is ordered to draw his warrant in payment thereof.

Warrants on the City treasury which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from date of registration at such rate as shall be fixed by the City Council by resolution.

Sec. 614. - Same—For money or damages.

Except in those cases where a shorter or longer time is otherwise provided by law, all claims for money or damages against the City must be presented to the director of finance within ninety (90) days after the occurrence, event, or transaction from which the damages allegedly arose, and shall set forth in detail the name and address of the claimant, the time, date, place, and circumstances of the occurrence, and the extent of the injuries or damages received. All other claims or demands shall be presented to the director of finance within ninety (90) days after the last item of the account or claim accrued. In all cases such claims shall be approved or rejected in writing and the date thereof given. Failure to act upon any claim or demand within sixty (60) days from the day the same is filed with the director of finance shall be deemed a rejection thereof.

No suit shall be brought on any claim for money or damages against the City, or any officer or board thereof, until a demand for the same has been presented as herein provided and rejected in whole or in part.

(Ord. No. NS-2074, § 4, 8-6-90, approved at election 11-6-90)

Sec. 615. - Allotments.

For the purpose of exercising continuous budgeting and for exercising budgetary control the City Council may establish by ordinance, an allotment system which shall entail the designation of how much of the budget appropriations may be spent during fixed periods of the year by the various offices, agencies, and departments of the City.

(Prop. of 2-4-63, approved on 4-2-63; Res. No. 63-027)

ARTICLE VII. - OFFICERS AND EMPLOYEES

Sec. 700. - City administrative organization.

The City Council may provide by ordinance not inconsistent with this charter, for the organization, conduct, and operation of the several offices, departments, and other agencies of the City as established by this charter, for the creation of additional departments, divisions, offices, and agencies and for their alteration or abolition, for their assignment and reassignment to departments, and for the number, titles, qualifications, powers, duties, and compensation of all officers and employees.

The City Council by ordinance may assign additional functions or duties to offices, departments, or other agencies established by this charter, but shall not discontinue or assign to any other office, department, or other agency any function or duty assigned by this charter to a particular office, department, or agency. No office provided in this charter, to be filled by appointment by the City Manager, shall be combined with an office provided in this charter to be filled by appointment by the City Council.

Notwithstanding the foregoing, the City Council may transfer or consolidate functions of the City government to or with appropriate functions of the state or county government and, in case of any such transfer or consolidation, the provisions of this charter providing for the functions of the City government so transferred or consolidated, shall be deemed suspended during the continuance of such transfer or consolidation, to the extent that such suspension is made necessary or convenient and is set forth in the ordinance establishing such transfer or consolidation. Any such transfer or consolidation may be repealed by ordinance.

Subject to the civil service provisions and section 501 of this charter, all officers and department heads of the City except the City Attorney and the Clerk of the Council, shall

be appointed by the City Manager and shall thereafter serve at the pleasure of the City Manager.

(Ord. No. NS-2074, § 5, 8-6-90, approved at election 11-6-90)

Sec. 701. - Officers appointed by the city council.

In addition to the City Manager the City Council shall appoint the City Attorney who shall serve at the pleasure of the City Council and may be removed by motion of the City Council adopted by the affirmative votes of at least two-thirds (2/3) of the members of the council. Subject to the civil service provisions of this charter, the City Council shall appoint the Clerk of the Council who shall serve at the pleasure of the City Council and may be removed by motion of the City Council adopted by the affirmative votes of the same number of members of the City Council as required to remove the City Manager and the City Attorney.

(Prop. of 2-4-63, approved on 4-2-63; Res. No. 63-027; Ord. No. NS-2074, § 10, 8-6-90, approved at election 11-6-90)

Sec. 702. - Clerk of the council; powers and duties.

The Clerk of the Council shall have the power and be required to:

- (a) Receive all documents addressed to the City Council and present these documents to the City Council;
- (b) Attend all meetings of the City Council and its committees and be responsible for the recording and maintaining of an accurate journal of council proceedings and the recording of the ayes and noes in the final action upon the questions of granting franchises, making of contracts, approving of bills, disposing or leasing City property, the passage or reconsideration of any ordinance, or upon any other act that involves the payment of money or the incurring of debt by the City, and in all other cases upon the call of any member of the City Council;
- (c) Maintain the journal of council proceedings in books which shall bear appropriate titles and which shall be available for public inspection;
- (d) Maintain separate books in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk of the Council annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this charter; and maintain all such

books properly indexed and available for public inspection when not in actual use;

- (e) Have charge of the repository for contracts, surety bonds, agreements, and other related documents of City business;
- (f) Maintain custody of the City seal;
- (g) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City, and issue certified copies of official City records;
- (h) Conduct all City elections.

Sec. 703. - City attorney; qualifications, power and duties.

To become eligible for the position of City Attorney the person appointed shall be an attorney-at-law duly licensed as such under the laws of the State of California. He shall devote such time to the duties of his office as may be specified in the ordinance or resolution fixing the compensation of such office. He shall have the power and be required to:

- (a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices;
- (b) Attend all meetings of the City Council and give his advice or opinion in writing whenever requested to do so by the City Council or by any of the officers and boards of the City;
- (c) Prepare or approve all proposed ordinances or resolutions for the City, and amendments thereto;
- (d) Prosecute on behalf of the people such criminal cases for violation of this charter, or City ordinances, and of misdemeanor offenses and infractions arising upon violations of the laws of the state as in his opinion, or that of the City Council, or of the City Manager, warrant his attention;
- (e) Represent and appear for the City, any City officer or employee, or former City officer or employee, in any or all actions and proceedings in which the City or any such officer or employee, in or by reason of his official capacity, is concerned or is a party;
- (f) Approve the form of all bonds given to, and all contracts made by, the City, endorsing his approval thereon in writing;
- (g) On vacating the office, surrender to his successor all books, papers, files, and documents pertaining to the City's affairs.

The City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein.

(Ord. No. NS-1642, 8-2-82, approved at election 11-2-82).

Sec. 704. - Reserved. (modified)

Editor's note— Res. No. 2018-047, § 4(Exh. A), adopted July 3, 2018 and approved at the election of November 6, 2018, repealed § 704. Former § 704 pertained to director of finance; qualifications, powers and duties and derived from the Charter of 1967.

Sec. 705. - Performance review.

On or before the annual anniversary date of appointment of persons serving in the positions of City Manager, City Attorney and Clerk of the Council, the City Council shall review and evaluate the performance of such appointees.

(Ord. No. NS-2074, § 7, 8-6-90, approved at election 11-6-90)

Sec. 706. - Reserved.

Editor's note— Sections 705 and 706, relative to the qualifications, powers and duties of the director of public works and the director of recreation and parks, were repealed by Ord. No. NS-1642, adopted Aug. 2, 1982, approved at election Nov. 2, 1982. Subsequently, § 705 was reenacted to read as set forth above.

Sec. 707. - Appointment powers of department heads.

Subject to the approval of the City Manager and subject to civil service provisions of this charter and the civil service rules and regulations established thereunder, each head of a department, office, or other agency shall have the power to appoint and remove such deputies, assistants, subordinates, and employees as are provided for by the City Council for his department, office, or other agency.

ARTICLE VIII. - BOARD OF EDUCATION

Secs. 800—804. - Reserved.

Editor's note— At a special municipal election held June 2, 1970, the electors of the City of Santa Ana amended the City charter by deleting Article VIII, §§ 800—804, dealing with the establishment and regulation of the Santa Ana Board of Education, in order that the state code provisions pertaining thereto might control. Former art. VIII was derived from Prop. of 2-4-63, approved on April 2, 1963 and Res. No. 63-027.

ARTICLE IX. - APPOINTIVE BOARDS AND COMMISSIONS

Sec. 900. - Established. (modified)

The City Council shall establish appointive boards and commissions by ordinance and shall specify in such ordinance the powers and duties of each.

(Res. No. 2018-047, § 4(Exh. A), 7-3-18, approved at election 11-6-18)

Secs. 901—912. - Reserved.

Editor's note— Res. No. 2018-047, § 4(Exh. A), adopted July 3, 2018 and approved at the election of November 6, 2018, amended art. IX in its entirety. Former art. IX pertained to similar subject matter and derived from a Prop. adopted February 4, 1963 and approved on April 2, 1963; Res. No. 63-027; a Prop. adopted June 7, 1966 and approved on August 15, 1966; Res. No. 66-121; Ord. No. NS1028, adopted August 17, 1970, approved at election November 3, 1970; Ord. No. NS-1642, adopted August 2, 1982, approved at election November 2, 1982; Ord. No. NS-1667, adopted January 3, 1983 and approved at election April 5, 1983; Ord. No. NS-2170, adopted July 20, 1992, approved at election November 3, 1992; Ord. No. NS-2715, adopted July 3, 2006, approved at election November 7, 2006; and Res. No. 2007-057-S1, adopted November 5, 2007, approved at election February 5, 2008.

ARTICLE X. - CIVIL SERVICE

Sec. 1000. - Civil service system.

A civil service system shall be as follows in addition to necessary rules of implementation to be established by ordinance and as may be recommended by the personnel board:

- (a) That the most qualified and competent employees shall be appointed and promoted, based upon fair and equitable competition for the positions to ensure the highest quality City government.
- (b) That no political or other outside influences shall affect appointments or promotions.
- (c) That there shall be equal opportunity for all persons regardless of age, sex, race, religion, creed, marital status, physical handicap, or national origin.
- (d) That there is equitable treatment of all civil service employees in matters of discipline, layoff or dismissal from the City service.

The system should be established in such a manner to ensure the accomplishment of the foregoing standards in appointments, promotions, discipline, layoffs or dismissals of civil service employees.

The civil service rules and regulations shall provide for such matters as the City Council and the personnel board may deem necessary, proper or expedient to carry out the intent and purpose of the civil service provisions of this charter. These rules and regulations shall provide:

- (a) Preference for veterans for appointment to civil service positions consistent with the principle of merit.
- (b) Vacancies in positions of the higher classes in the civil service of the City shall be filled with preference to employees occupying positions of lower classes having duties and responsibilities which can reasonably be considered as affording training and experience for the performance of the duties of the higher class.
- (c) That persons achieving eligibility for a position in the civil service shall retain that eligible status for a time sufficient to offer an opportunity to be appointed to a position in the civil service.
- (d) That the right to exercise disciplinary and dismissal powers is vested respectively in the officers of the City who have the power of appointment as to any position in the personnel system. Actions relating to suspension,

demotion or dismissal for reasonable and sufficient cause may be taken by the officer having the power of appointment to the position.

(Ord. No. NS-1642, 8-2-82, approved at election 11-2-82)

Sec. 1001. - Reserved.

Editor's note— Ord. No. NS-1642, adopted Aug. 2, 1982, approved at election Nov. 2, 1982, repealed §§ 1001, 1003 and 1005—1009. Said sections pertained to civil service rules and regulations generally; appointments from competitive service to excepted service; recruitment and examinations; promotions; eligible lists, certification and appointment of employees; suspensions, demotions, dismissals; and layoffs. Sections 1008 and 1009 had been amended by Prop. of 2-4-63, approved on April 2, 1963; Res. No. 63-027; Prop. of 6-7-66, approved on August 15, 1966; Res. No. 66-121 and Ord. No. NS-1405, adopted March 13, 1978, approved at election June 6, 1978.

Sec. 1002. - Civil service and excepted service.

The civil service system of the City shall cover all employees of the City not excepted by this section.

(a) The excepted service shall comprise the following offices and positions:

- (1) The individual offices held by all elective officers;
- (2) The City Manager and his assistants, if any;
- (3) The City Attorney and his legal assistants, if any;
- (4) The Clerk of the Council;
- (5) The director of finance;
- (6) The director of personnel, if any;
- (7) The head of each department of the City not otherwise specified herein, and the chief administrative officer of the community redevelopment agency of the City of Santa Ana, and of the housing authority of the City of Santa Ana, but not including the police chief or the fire chief;
- (8) One private secretary to the City Manager;
- (9) All members of boards and commissions;

- (10) Positions occupied by persons employed to render professional, scientific, technical, or expert service of an occasional and exceptional nature;
- (11) Positions in any class or grade created for a special or temporary purpose, and which are to exist for a period of not longer than ninety (90) days;
- (12) Positions of any class or grade exempted from the civil service for a maximum of six (6) months in any calendar year provided that the personnel board upon application of the City Manager and after public notice and hearings recommends to the City Council such exemption and the City Council grants such exemption by motion adopted by two-thirds (2/3) of its members. Any such exemption shall not affect the tenure of any person whose appointment has become final under civil service;
- (13) Part-time positions or employments requiring less than twenty (20) regular hours of employment per week;
- (14) School crossing guards;
- (15) All positions occupied by persons employed to replace employees ordered to active duty, enlisted, or drafted for military service during a national emergency or when this country has declared war and until the expiration of the time when such replaced employee could demand his former position of employment under federal or state statutes.

(b) The civil service shall comprise all positions not specifically included by this section in the excepted service.

(c) In the event an officer or employee of the City holding a position in the civil service is appointed to a position in the excepted service and should subsequently be removed therefrom, he shall revert to his former position in the civil service without loss of any rights or privileges and upon the same terms and conditions as if he had remained in said position continuously.

(Prop. of 2-4-63, approved on 4-2-63; Res. No. 63-027; Prop. of 6-7-66, approved on 8-15-66; Res. No. 66-121; Ord. No. NS-1521, 3-17-80, approved at election 6-3-80; Ord. No. NS-1642, 8-2-82, approved at election 11-2-82)

Sec. 1003. - Reserved.

Note— See the editor's note at § 1001.

Sec. 1004. - Position classification and pay plan.

The City Manager shall prepare, install and maintain a position classification and pay plan covering all positions in both the civil and the excepted services of the City, subject to civil service rules and regulations and the approval of the City Council.

The City Manager shall develop the pay plan, after meeting and conferring with employees' organizations as required by law.

(Ord. No. NS-1642, 8-2-82, approved at election 11-2-82)

Secs. 1005—1009. - Reserved.

Note— See the editor's note at § 1001.

Sec. 1010. - Prohibitions.

- (a) No officer or employee of the City shall in any way favor or discriminate against any employee of the City or any applicant for employment with the City because of his or her race, age, color, religion, sex or national origin.
- (b) No officer or employee of the City shall engage in any political activities in violation of Chapter 9.5 of Division 4 of Title 1 of the California Government Code (commencing with Section 3201) as the same exists on the date of adoption of this section or as the same may be thereafter amended, or in violation of any other provisions of applicable law.
- (c) No officer or employee of the City and no candidate for any City office shall, directly or indirectly, solicit any assessment, subscription, or contribution, whether voluntary or involuntary, for any political candidate, for Santa Ana municipal office from anyone on an eligible list, or, with the exception of elective officers and members of appointive boards and commissions, anyone holding a position in the service of the City.
- (d) No person shall willfully or through culpable negligence make any false statement, certificate, mark, rating, or report in regard to any application, test certification, or appointment held or made under the provisions of this article or in any manner commit or attempt any fraud preventing the impartial execution of such provisions of this article or of the rules and regulations made hereunder.

(Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

Sec. 1011. - Contract for performance of administrative functions.

The City Council, upon recommendation of the City Manager, may contract with the governing body of any other City or of any county within this state, or with any state department or other state agency for the preparing or conducting of competitive examinations for positions in the service of the City or for the performance of any other personnel administration service.

Sec. 1012. - Employees of consolidated cities.

All officers and employees of any City hereafter consolidated with the City of Santa Ana, who were full-time officers or employees of such consolidated City upon the date of election held in such consolidated City for such consolidation, shall, from the effective date of such consolidation, be deemed to have their names upon eligible lists for the respective positions held by them and to be qualified for appointment to such respective positions in the City of Santa Ana without loss of any rights or benefits that they may theretofore have accrued.

(Ord. No. NS-1521, 3-17-80, approved at election 6-3-80)

Sec. 1013. - Employees of other agencies.

In the event of the annexation of all or a portion of the geographic area of any governmental agency to the City or the agreement by the City to assume responsibility for providing any service for or on behalf of any governmental agency, it shall be discretionary with the City Council whether or not all or any of the officers or employees of such agency shall be entitled to have their names placed upon eligible lists for the respective types of positions held by them and to be qualified for appointment to such respective positions in the City of Santa Ana.

(Ord. No. NS-1521, 3-17-80, approved at election 6-3-80)

Sec. 1014. - Work stoppages.

Any officer or employee of the City who engages in any strike, sickout, or other partial or total stoppage of work shall be summarily subject to suspension, demotion or dismissal by the appointing authority without right of appeal to the personnel board.

(Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

Sec. 1015. - Penalty for violation of article.

In addition to the penalties provided for in this charter for violations of its provisions, any person who by himself or with others violates any of the provisions of this article shall upon conviction thereof be ineligible for a period of three (3) years for employment in the service of the City and shall immediately forfeit his office or position if he be an officer or employee of the City.

(Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

ARTICLE XI. - MISCELLANEOUS PROVISIONS RELATING TO OFFICERS AND EMPLOYEES

Sec. 1100. - Investigations by the city council or city manager.

The City Council, the City Manager, or any person or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, agency, or officer of the City and to make investigation as to City affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence.

Secs. 1101, 1102. - Reserved.

Editor's note— Ord. No. NS-1405, adopted March 13, 1978, approved at election June 6, 1978, repealed §§ 1101 and 1102 relative to publicity of records, illegal contracts and financial interest of officers and employees.

Sec. 1103. - Official bonds.

The City Council shall, by ordinance, fix the amounts and terms of the official bonds of all officers and employees of the City who are required by this charter or by ordinance to give such bonds. All bonds shall be executed by a responsible surety, shall be approved by the City Attorney as to form, and shall be filed with and remain in the keeping of the director of finance, provided that the bond of the director of finance shall be filed with and remain in the keeping of the Clerk of the Council. The premium on any official bond furnished under the provisions of this section and executed by a corporate surety shall be paid by the City.

There shall be no personal liability upon, or any right to recover against, a superior officer, or his bond, for any wrongful act or omission of his subordinates, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

Sec. 1104. - Administering oaths.

Each head of an office, department, or other agency and his deputies shall have the power to administer oaths and affirmations in connection with any official business pertaining to his department.

Sec. 1105. - Oath of office.

Each member of the City Council and of every board and commission and each officer and full-time employee shall, before entering upon the duties of his office, take and subscribe an oath or affirmation as prescribed by law and to be filed and kept in the office of the director of personnel.

(Ord. No. NS-1642, 8-2-82, approved at election 11-2-82)

Sec. 1106. - Officers of the city.

The officers of the City shall be:

Members of the City Council,

City Manager,

City Attorney,

Clerk of the Council,

Such other officers as shall be specified by ordinance.

(Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

Sec. 1107. - Reserved. (modified)

Editor's note— Res. No. 2018-047, § 4(Exh. A), adopted July 3, 2018 and approved at the election of November 6, 2018, repealed § 1107. Former § 1107 pertained to gifts to officers and employees prohibited and derived from Ord. No. NS-1405, adopted March 13, 1978, approved at election June 6, 1978.

ARTICLE XII. - ELECTIONS

Sec. 1200. - Conducting.

The conduct of all municipal elections by the Clerk of the Council shall be under the control of the City Council which shall, by ordinance or resolution, provide for the holding of all municipal elections.

(Ord. No. NS-2715, 7-3-06, approved at election 11-7-06).

Sec. 1201. - General municipal.

General municipal elections for the election of officers and for such other purposes as the City Council may prescribe shall be held in the City of Santa Ana on the first Tuesday after the first Monday in November in each even-numbered year. However, in the event the state legislature hereafter prescribes a different day for holding of the statewide general election, general municipal elections shall be held upon such day as prescribed for the statewide general election.

(Ord. No. NS-1346, 1-25-77, approved at election 4-5-77; Ord. No. NS-1642, 8-2-82, approved at election 11-2-82)

Sec. 1202. - Special municipal.

All other municipal elections that may be held by authority of this charter, or of any law, shall be known as special municipal elections.

Sec. 1203. - Procedures for holding.

Unless otherwise provided by ordinance, 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 hereafter be amended, for the holding of elections in general law cities, insofar as the same are not in conflict with this charter.

(Ord. No. NS-1346, 1-25-77, approved at election 4-5-77; Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

Sec. 1204. - Consolidated elections.

The City may consolidate its general municipal election with the election of any public district, county, or other political subdivision, including any elementary, unified, high school, or community college district, or community college district trustee area, which is included, all or part, within the boundaries of the City. Such consolidation shall be effected upon the order of the governing bodies or officer or officers calling the elections pursuant to the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended.

(Ord. No. NS-1346, 1-25-77, approved at election 4-5-77)

Sec. 1205. - Initiative, referendum and recall.

The powers of the initiative and referendum and of the recall of elected municipal officers are hereby reserved to the electors of the City. Unless otherwise provided by ordinance, hereafter enacted, the provisions of the elections code of the State of California, as the same now exist or may hereafter be amended, governing the initiative, the referendum, and the recall of the municipal officers shall apply to use thereof in the City insofar as such provisions of the elections code are not in conflict with this charter.

Sec. 1206. - Campaign contribution limitation.

No person shall make, and no candidate for mayor or City Council or campaign treasurer shall solicit or accept, any contribution or loan which would cause the total amount contributed or loaned by that person to that candidate, including contributions or loans to all committees controlled by that candidate, to exceed one thousand dollars (\$1,000.00) in any election cycle; provided, however, that the City Council may, by ordinance, adjust such limit to reflect changes in the consumer price index; and provided further that nothing herein shall apply to a candidate's contribution of his or her personal funds to his or her own campaign contribution account. As used herein,

"election cycle" means the period of time between the date of an election to the office of mayor or councilmember and the date of the next election to the same office.

(Ord. No. NS-2170, § 3, 7-20-92, approved at election 11-3-92)

Charter reference— Disqualification due to campaign contributions, § 425.

Cross reference— Prohibited campaign contributions, § 2-107.

Sec. 1207. - Campaign committees and bank accounts.

A candidate for the office of mayor or City Council shall have no more than one campaign committee and one campaign contribution account out of which all expenditures for the purpose of seeking such office shall be made. The campaign contribution account shall be established and maintained as set forth in Section 85201 of the Government Code.

(Ord. No. NS-2170, § 3, 7-20-92, approved at election 11-3-92)

Sec. 1208. - Enforcement.

- (a) Any person who knowingly or willfully violates sections 1206 or 1207 of this charter is guilty of a misdemeanor.
- (b) Any resident of the City may bring an action, at a time during an election period or thereafter, in a court of competent jurisdiction to enjoin actual or threatened violations of, or to compel compliance with, or to obtain a judicial declaration regarding compliance with, section 1206 or 1207.
- (c) The City Attorney may maintain, in the name of the City, or a resident of the City may maintain, in his or her own name, a civil action to recover from a candidate or a committee controlled by a candidate any contributions received by such candidate or committee in excess of the contribution limitations established by section 1206. Any money recovered in any such action shall be deposited in the City's general fund.

(Ord. No. NS-2170, § 3, 7-20-92, approved at election 11-3-92)

ARTICLE XIII. - FRANCHISES

Sec. 1300. - Granting authority.

The term "the streets of the City" as used in this article shall include streets, ways, alleys, avenues, highways, boulevards, concourses, driveways, bridges, parks, parkways, and public grounds or waters within or belonging to the City.

Subject to the provisions of this charter, the City Council shall have the power in behalf of the City to grant franchises or rights or make contracts providing for the furnishing of the City and its inhabitants with transportation, communications, terminal facilities, water, light, heat, power, refrigeration and storage, or any other public utility or service, or using the streets of the City for the operation of plants, works, or equipment for the furnishing thereof, or traversing any portion of the streets of the City for the transmitting or conveying of any such service elsewhere.

The City Council may grant a franchise to any person, firm, or corporation, whether operating under an existing franchise or not, and may prescribe the terms and conditions of any such grant. The City Council may also provide, by procedural ordinance, the method of procedure and additional terms and conditions for making such grants, subject to the provisions of this charter.

No grant of any franchise may be transferred or assigned by the grantee except by consent in writing of the City Council and unless the transferee or assignee thereof shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant or by procedural ordinance and by this charter.

The City may issue permits for the construction of spur or side tracks in and over the streets of the City and the running of cars thereon for the purpose of connecting warehouses, factories, or other business industries and enterprises with any line of railroad within the City, upon such terms and subject to such regulations and conditions as shall be prescribed from time to time by ordinance. Such tracks shall be used for the transportation of freight only and shall not be used as a main line or part thereof. Such tracks must be laid and operated in such manner and under such restrictions as not to interfere with the use of the streets of the City by the public. All such permits shall be revocable at the pleasure of the City Council.

Sec. 1301. - Terms of franchises.

Every franchise shall state the term for which it is granted, which, unless it be indeterminate as provided for herein, shall not exceed twenty-five (25) years.

A franchise grant may be indeterminate, that is to say, it may provide that it shall endure in full force and effect until the same, with the consent of the public utilities commission or its successors of the State of California, or the interstate commerce commission as the case may be, shall be voluntarily surrendered or abandoned by its possessors, or until the State of California, or some municipal or public corporation, thereunto duly authorized by law, shall purchase by voluntary agreement or shall condemn and take, under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situate within the territorial limits of the state, municipal, or public corporation purchasing or condemning such property, or until the franchise shall be forfeited for noncompliance with its terms by the possessor thereof.

Sec. 1302. - Grants to be in lieu of all other franchises.

Any franchise granted by the City with respect to any given utility service shall be in lieu of all other franchises, rights, or, privileges owned by the grantee, or by any successor of the grantee to any right under such franchise, for the rendering of such utility service within the limits of the City as they may now or hereafter exist, except any franchises derived under section 19 of Article XI of the Constitution of the State of California as said section existed prior to amendment thereof adopted October 10, 1911. The acceptance of any franchise hereunder, shall operate as an abandonment of all such franchises, rights, and privileges within the limits of the City as such limits shall at any time exist, in lieu of which such franchise shall be granted.

Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the Clerk of the Council. Such acceptance shall be filed within thirty (30) days after the adoption of the ordinance granting the franchise, or any extension thereof granted by the City Council, and when so filed, such acceptance shall constitute a continuing agreement of such grantee that if and when the City shall thereafter annex, or consolidate with, additional territory, any and all franchises, rights, and privileges owned by the grantee therein, except a franchise derived under said constitutional provision, shall likewise be deemed to be abandoned within the limits of such territory.

Sec. 1303. - Resolution of intention, notice and public hearing.

Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise, and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour, and place when and where any persons having any interest therein, or any objection to the granting thereof, may appear before the City Council and be heard thereon. The City Council shall direct the Clerk of the Council to publish said resolution at least once within fifteen (15) days of

the passage thereof, in the official newspaper. The time fixed for such hearing shall not be less than twenty (20) nor more than sixty (60) days after the passage of said resolution. At the time set for the hearing, the City Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter, it may grant, or deny, the franchise, subject to the right of referendum of the people.

Sec. 1304. - Duties of grantees.

By its acceptance of any franchise hereunder, the grantee shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant, or by procedural ordinance, and shall further agree to:

- (a) Comply with all lawful ordinances, rules, and regulations theretofore or thereafter adopted by the City Council in the exercise of its police power governing the construction, maintenance, and operation of the grantee's plants, works, or equipment;
- (b) Pay to the City on demand the cost of all repairs to the public property made necessary by any of the operations of the grantee under such franchise;
- (c) Indemnify and hold harmless the City and its officers from any and all liability for damages proximately resulting from any operations under such franchise;
- (d) Remove and relocate without expense to the City any facilities installed, used, and maintained under the franchise if and when made necessary by any lawful change of grade, alignment, or width of any public street, way, alley, or place that is not a freeway to which all rights of access have been acquired by the State of California, including the construction of any subway or viaduct, or if the public health, comfort, welfare, convenience, or safety so demands;
- (e) Pay to the City during the life of the franchise a percentage, to be specified in the grant, of the gross annual receipts of the grantee within the limits of the City, or such other compensation as the City Council may prescribe in the grant.

Sec. 1305. - Exercise of privilege without franchise.

The exercise by any person, firm, or corporation of any privilege for which a franchise is required, without possessing a valid and existing franchise therefor, shall be a misdemeanor and shall be punishable in the same manner as violations of this charter are punishable and each day that such condition continues to exist shall constitute a separate violation.

Sec. 1306. - Effect on eminent domain.

No franchise grant shall in any way, or to any extent, impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain and nothing herein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to any public utility.

Sec. 1307. - City-owned utilities.

In the event that any public utility shall be taken over by the City, by purchase or through the exercise of the right of eminent domain, the franchise shall have no value.

No public utility owned by the City shall be sold, leased, or otherwise transferred unless authorized by the affirmative votes of two-thirds (2/3) of the electors voting on such proposition at a general or special election at which such proposition is submitted.

ARTICLE XIV. - RETIREMENT

Sec. 1400. - Employees' retirement system.

- (a) Duty to provide retirement system. Except as hereinafter otherwise provided, the council shall provide, by ordinance or ordinances, for the creation, establishment and maintenance of a retirement plan or plans for all officers and employees of the City. Such plan or plans need not be the same for all officers and employees. Subject to other provisions of this article, the council may at any time, or from time to time, amend or otherwise change any retirement plan or plans or adopt or establish a new or different plan or plans for all or any officers or employees.
- (b) Authority to join other systems. Subject to other provisions of this article, the City, by and through its council, is hereby empowered, but not required, to join or continue as a contracting agency in any retirement or pension system or systems existing or hereafter created under the laws of the State of California or of the United States of America to which municipalities and municipal officers or employees are eligible for membership.
- (c) Continuance of existing retirement system. Until otherwise provided by ordinance, the City shall continue to participate in the Public Employees' Retirement System of the State of California, as the same now exists or may hereafter be amended. The City Council may not terminate any such contract

with the Public Employees' Retirement System of the State of California, and may not amend any such contract in a manner which would decrease or eliminate any benefit accruing to persons employed by the City at the time of such contract termination or amendment, unless such amendment shall substitute a retirement system or systems providing equal or greater benefits for said persons.

(d) Exclusions. The council in its discretion may exclude all or any of the following persons from any or all retirement plans, to wit:

Persons mentioned in subsections (b)[(a)](1), (6), (7), (8), (9), (10), (11) and (13) of section 1002 of this charter;

Persons in City service primarily for training, study or educational purposes;

Persons employed or paid on a part-time, per diem, per hour or any basis other than a monthly basis.

(Prop. of 2-4-63, approved on 4-2-63; Res. No. 63-027; Ord. No. NS-1405, 3-13-78, approved at election 6-6-78)

ARTICLE XV. - LEGAL PROVISIONS

Sec. 1500. - Amendments to charter.

Amendments to this charter shall be proposed and submitted to the electors of the City in the manner provided by the Constitution of the State of California.

Sec. 1501. - Violations.

The violation of any provision of this charter shall be deemed a misdemeanor and be punishable upon conviction in the same manner as provided in the Penal Code of the State of California as the same now reads or as hereafter amended.

(Ord. No. NS-2074, § 9, 8-6-90, approved at election 11-6-90)

Sec. 1502. - Definitions.

Unless the provisions or the context otherwise requires, as used in this charter:

- (a) Whenever the term "City" occurs in this charter, it means the City of Santa Ana, and whenever the term office, department, agency, board, commission, officer, or employee, as the case may be, is used, it means an office, department, agency, board, commission, officer, or employee of the City of Santa Ana;
- (b) "Shall" is mandatory, and "may" is permissive;
- (c) "County" is the County of Orange;
- (d) "State" is the State of California.

Sec. 1503. - Separability.

If any section or part of section of this charter, or the application thereof to any person or circumstance, shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter, or the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding will directly apply, or the application of such provision to other persons or circumstances.

Ballot Measure X: Charter Amendments

Sec. 400: Number, Selection and Term of Members

The current Charter states that the term of each councilmember, including the mayor, shall begin at 6:00 p.m. on the second Tuesday of December following certification of election results. This amendment clarifies that term of each councilmember, including the mayor, shall begin at 6:00 p.m. on the first regularly scheduled City Council meeting or at a special City Council meeting following certification of election results.

Sec. 401.01: Term Limits (new section)

This amendment removes term limit provisions for the mayor and councilmember, from Sections 404 and 401, respectively, and restates those term limit provisions in their entirety into a new Section 401.01 of the Charter. The purpose of this amendment is to reorganize all provisions relating to term limits into one new section.

Sec. 401.05: Code of Ethics and Conduct (new section)

The current Charter states that the City shall adopt a Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees to assure public confidence in the integrity of the City. This amendment expands the applicability of the Code of Ethics and Conduct to include elected officials, the City Attorney, City Manager, Clerk of Council, Police Chief, and directors of all City

departments. Furthermore, this amendment prescribes a process for documenting alleged violations of the Code of Ethics and Conduct in writing to the City Council, as well as a procedure for the City Council to review such alleged allegations.

Sec. 405: Mayor Pro Tem

The current Charter provides that at the first City Council meeting following any general or special election when councilmembers, including the mayor, are elected, the City Council shall elect a mayor pro tem. This amendment clarifies that the election of the mayor pro tem shall occur each calendar year at the first City Council meeting in January. Furthermore, this amendment clarifies that the mayor pro tem from the previous year cannot be elected as mayor pro tem for the following year, and that the mayor pro tem may be replaced by the affirmative votes of four members of the City Council.

Sec. 406: Council Judge of Elections and Qualifications of Members

This section declares that the City Council shall be the judge of the election and of the qualifications of its member(s) as defined in Section 401, and shall meet on the first regularly scheduled City Council meeting following certification of election results to declare such election results and install members. This amendment provides that the City Council may also meet at a special City Council meeting to do the same.

Sec. 413: Adoption (Ordinances)

The current Charter provides a procedure for the adoption of ordinances. This amendment adds resolutions as part of this procedure, as well as clarifies the following: that ordinances may not be amended after the first reading, and that if an ordinance is amended after the first reading, that it must be re-introduced to be consistent with state law; that a resolution or ordinance must be signed as soon as possible, but no later than 72 hours following its adoption; and that if the mayor does not sign a resolution or ordinance, that the mayor pro tem or any councilmember who voted to approve such ordinance or resolution may sign instead.

Sec. 613: Claims— Formalities; Treasury Warrants

The process for claims as prescribed in the Charter is outdated. This amendment revises this process to streamline the claims and payment process.

Sec. 1000: Civil Service System

This amendment revises the equal opportunity provisions to clarify that civil service rules and regulations shall provide for such matters as the City Council and Personnel Board may deem necessary, and clarifies that these matters shall be determined with concurrence of the City Council.

Sec. 1002: Civil Service and Excepted Service

This amendment provides administrative clean-up revisions to ensure compliance with CalPERS rules and other applicable laws and regulations.

Sec. 1010: Prohibitions

This amendment updates the Charter's anti-discrimination provisions, as well as requires that the City Council adopt an anti-nepotism policy.

Sec. 1011: Contract for Performance of Administrative Functions

In 2018, the City Council adopted a resolution changing the name of the Personnel Services Agency to the Human Resources department. To be consistent with these organizational changes, this amendment replaces the word "personnel" to "human resources".

Sec. 1014: Work Stoppages

Removes this section in its entirety to be consistent with state law and other applicable laws and regulations.

Sec. 1208: Enforcement

Section 1206 prescribes rules relating to campaign contribution limits for candidates for mayor or councilmember. Section 1207 prescribes rules relating to campaign committees and bank accounts. Section 1208 provides enforcement provisions relating to Sections 1206 and 1207. This amendment allows that the City to contract with a state or county entity to enforce such provisions.

Sec. 1400: Employees' Retirement System

This amendment revises the in-text references to Section 1002 to be consistent with the proposed revisions in Section 1002 relating to Civil Service.

Gender Pronouns (various sections)

Throughout the current Charter, references to City officials use gender-specific pronouns such as he/his/him or his or her. This amendment replaces gender-specific pronouns with they/them to be more inclusive. This change aligns with the contemporary use of pronouns relating to gender.

Clerk of the Council Title (various sections)

The Clerk of the Council intends to replace the title "clerk of the council" with "city clerk" to modernize and better identify this position.

Sec. 607: Budget Adoption

Ballot Measure W: Business Tax Equity and Flexible Tax Holiday

Section 1. As a charter city, and subject to voter approval, the City of Santa Ana is authorized to levy business license taxes to raise revenue for municipal purposes, pursuant to Section 5 of Article XI of the California Constitution, Section 200 of the City Charter, and Section 2(b) of Article XIII C of the California Constitution.

Section 2. By this Ordinance submitted for voter approval, the City wishes to restructure non-cannabis business license tax rates within the City of Santa Ana to improve tax equity among all business sizes, reflect current best practices, recognize the impact of home-based businesses and the new “gig” economy, and to provide a flexible tax holiday period for unlicensed, past due, or under-assessed businesses, with the intent to have a revenue-neutral fiscal impact to the City.

Section 3. Article IV (Exemptions) of Chapter 21 of the Santa Ana Municipal Code (Licenses), Sections 21-48 and 21-49, is hereby amended to read as follows:

Sec. 21-48. - Business licensing—Specified exemptions.

(a) A business license shall not be required for the conducting of any entertainment, concert, exhibition or lecture on scientific, historical, literary, religious or moral subjects whenever the receipts of any such activity are to be appropriated to any church or school or to any religious or benevolent purpose within the city.

(b) A business license shall not be required for any person under eighteen (18) years of age, who is a resident of the city, and who is enrolled in an institution of secondary education; provided, however, such person has no employee or employees working for him or her.

(c) A business license shall not be required for any attorney whose only business done in the city is in the courts operated in this city, nor for any doctor whose only business done in the city is surgery and/or consultation in a regularly established hospital in the city; provided, however, that the maintenance of an office, facility, or establishment within the city used in connection with any attorney's appearance in any court within the city, or any doctor's surgery or consultation performed at any hospital within the city shall not be hereby exempted from the city's business licensing requirements.

(d) A business license shall not be required for any other licensed person providing professional services not having a fixed place of business within the city and not engaged in other than the occasional furnishing of professional services wholly negotiated and contracted for outside the city.

(e) A business license shall not be required for any business done in the city where the business conducted is only occasional and incidental to a regularly established business conducted elsewhere.

(f) A business license shall not be required for any commercial traveler whose business is limited to goods, wares, and merchandise sold or dealt in at wholesale in this state, or for any salesman or agents representing vendors which have, do, or would normally supply goods for resale to licensees of the city.

(g) A business license shall not be required for any individual whose business is limited to providing in-home childcare to immediate or extended family members. The phrase "immediate or extended family members" shall mean such individual's direct children, children by adoption, children by marriage, grandchildren (direct, by adoption, or by marriage), nieces or nephews (direct, by adoption, or by marriage), and any foster children or other minor under eighteen (18) years of age living as part of the same residential household.

Sec. 21-49. - Business licensing—Specified exclusions.

Except as may be otherwise specifically provided in this Chapter, the terms hereof shall not be deemed to apply or construed to require the payment of a license tax by any of the following persons:

(1) Banks, including national banking associations, federal credit unions, and financial corporations, to the extent that a city may not levy a license tax upon them under the provisions of Article XIII, Section 27 of the State Constitution.

(2) Insurance companies or associations engaged in the sale and servicing of insurance and their direct agents, including bailbond agents and life agents, but not including brokers or bailbond brokers or life and disability insurance analysts or insurance

solicitors to the extent that a city may not levy a license tax upon them under the provisions of Article XIII, Section 28 of the State Constitution.

(3) Any governmental agency or subdivision and the employees thereof, to the extent they are engaged in the business of such governmental agencies or subdivisions.

(4) Any state alcoholic beverage licensee engaged in the manufacture, sale, purchase, possession, or transportation of alcoholic beverages within the state to the extent that a city may not levy a license tax upon them under provisions of Article XX, Section 22 of the State Constitution.

Section 4. Article IX (Miscellaneous) of Chapter 21 of the Santa Ana Municipal Code (Licenses), Section 21-113, is hereby amended to read as follows:

Sec. 21-113. - Telephone services.

Every person engaged in the business of providing telephone services shall pay an annual business fee according to Section 21-119(2) of this Chapter.

Section 5. Article X (Rates and Schedules) of Chapter 21 of the Santa Ana Municipal Code, Sections 21-116 through 21-121, is hereby amended to read as follows:

ARTICLE X. - RATES AND SCHEDULES

Sec. 21-116. - Applicability of article.

The tax for any license required by any Section of this Chapter shall be set forth in this article for the particular business involved. The tax and the duration of the license shall be annual, quarterly, monthly, and daily as indicated in this article. The letter "A" following the tax shall indicate an annual rate; the letter "Q" shall indicate a quarterly rate; the letter "M" shall indicate a monthly rate; the letter "D" shall indicate a daily rate. No letter following the tax shall indicate a variable duration as determined in connection with other applicable provisions set forth elsewhere in the Santa Ana Municipal Code. In place of a tax, the letter "C" shall denote a specified charge. The applicability of the charge shall be determined by the Business License Tax Code provision establishing it. In the place of either a tax or charge, the letter "T" shall denote a specified qualifying threshold amount. The applicability of the qualifying threshold amount shall be determined by the Business License Tax Code provision establishing it.

Sec. 21-117. - New business license tax.

(a) A license tax for a new business shall be paid in advance or a deposit taken in lieu thereof prior to any new business activity being undertaken.

(b) All new businesses for whom flat fees are made the basis for fixing the amount of such license shall pay in advance an amount equal to one-quarter ($\frac{1}{4}$) of the

annual fee therefor for each quarter and fraction of a quarter remaining during the period for which the new license is issued, except as otherwise specified hereinafter.

(c) All new businesses for whom the gross receipts of such business are made the basis for fixing the amount of such license shall pay their annual fee based on actual gross receipts received during the period for which the new license is issued. For any business which is commenced subsequent to April first, the renewal fee shall be based upon an annualization of the actual gross receipts received during the period for which the new license is issued. In the event an applicant fails to submit a report of the actual gross receipts received pursuant to Section 21-77, the fee shall be based on the collector's estimate of the actual gross receipts received pursuant to Section 21-79. In lieu of payment in advance, each applicant shall post a deposit in the amount hereinafter indicated.

(1) All new businesses beginning business on or after April first of the current year but before April first of the following year shall post a deposit of two hundred dollars (\$200.00).

(2) All new businesses beginning business on or after March first of the current year but before April first of current year shall post a deposit equivalent to one and one-twelfth (1 1/12) of the required deposit for all new businesses beginning April first.

Where an applicant's fee is determined to be in excess of the amount of the specified deposit, said deficiency shall be added without interest or penalty to the amount of the applicant's renewal fee as calculated pursuant to Sections 21-77 or 21-79. Where an applicant ceases to transact and carry on the business licensed on or before the expiration of the period for which the new license is issued, and where the applicant's fee is determined to be in excess of the amount of the specified deposit, the applicant shall remain liable for said deficiency which shall be deemed due and collectible at the same time and in the same manner as all other annual gross receipts fees due and payable upon renewal.

Where an applicant's fee is determined to be less than the amount of the specified deposit, said surplus shall be applied without interest as a credit against the amount of the applicant's renewal fee as calculated pursuant to Sections 21-77 or 21-79. Where an applicant ceases to transact and carry on the business licensed on or before the expiration of the period for which the new license is issued, and where the applicant's fee is determined to be less than the amount of the specified deposit, said surplus may be requested by applicant as a refund; provided, however, that such request must be made in writing and must be made within one (1) year of the expiration of the initial license period.

(d) Notwithstanding subsection (b) above, unless an adjustment or exemption is obtained pursuant to this Chapter, the minimum tax pursuant to this section shall be in the amount as specified in Section 21-120n.

Sec. 21-118. - Same; nonresident businesses.

(a) All new businesses located elsewhere, excluding businesses engaged in the business of pushcart vending or in erecting, maintaining and selling of advertising space on off-premises commercial advertising signs in the city or engaged in the operation of coin-operated machines or devices, or engaged otherwise in vending operations, but transacting and carrying on business in the city, and for whom flat rates or variable flat rates are made the basis for fixing the amount of such license, shall have the option of paying the flat rate or variable flat rate amount or basing the amount of their tax upon their attributable gross receipts in accordance with Section 21-119(1), to which no basic tax rate amount shall be added, but for which a two-hundred-dollar-annual deposit shall be required to offset any tax due should applicant cease operation before the expiration of the license term. Provided further that all such businesses who so elect shall pay in advance an amount therefor as set forth in Section 21-117, subsection (c) above. Said deposit to be applied as a credit or to be taken as a refund in the same manner as is set forth in Section 21-117, subsection (c).

(b) All new businesses located elsewhere, but transacting and carrying on business in the city for whom gross receipts are made the basis for fixing the amount of such license, shall base their tax upon attributable gross receipts in a manner similar to that of all other similarly classified businesses for whom gross receipts are made the basis for fixing the amount of their license, to which no basic tax rate amount shall be added. Provided further that all such businesses shall pay in advance an amount therefor as set forth in Section 21-117, subsection (c) above. Said deposit to be applied as a credit, or to be taken as a refund in the same manner as is set forth in Section 21-117, subsection (c).

(c) Unless an adjustment of exemption is obtained pursuant to this Chapter, the minimum tax pursuant to this section shall be in the amount as specified in Section 21-120n.

Sec. 21-119. - Gross receipts tax rates.

Gross receipts tax rates for the different classifications are as follows:

(1) Classification "A"—All businesses for which no tax is specified elsewhere in this article, including, but not limited to: retail businesses and sales at retail, services (including real estate brokers, real estate developers, insurance brokers, life and disability insurance analysts, stock and bond brokers, commission agents, brokers or merchants, professional services, ambulance services, and recreational services), hotels, motels, theaters, and food establishments:

For each separate place of business licensed, a basic rate of \$60.00, subject to adjustment for inflation/deflation in accordance with section 21-120, plus:

(2) Classification "B"—Manufacturing, processing, wholesale businesses and sales at wholesale, sales of gasoline and motor fuels, telephone services, and public utility services:

For each separate place of business licensed, a basic rate of \$60.00, subject to adjustment for inflation/deflation in accordance with section 21-120, plus:

\$0.50 per \$1,000.00

(3) Classification "C"—Rental of commercial real estate:

For the first property location licensed, a basic rate of \$60.00, subject to adjustment for inflation/deflation in accordance with section 21-120, plus:

\$0.65 per \$1,000.00

For each additional property location licensed, a basic rate of \$10.00, subject to adjustment for inflation/deflation in accordance with section 21-120, plus:

\$0.65 per \$1,000.00

(4) Classification "D"—Home based businesses: for each separate place of business licensed, a basic rate of \$15.00, subject to adjustment for inflation/deflation in accordance with section 21-120, plus:

\$0.65 per \$1,000.00

Sec.21-119.1 - Maximum Tax

The maximum annual business license tax payable for any single business license required to be obtained pursuant to the Chapter shall not exceed \$100,000.00, which amount together with the basic rate amounts established under Section 21-119 shall be subject to annual adjustment in accordance with Section 21-120.

Whenever a business entity or other person functions as a holding company or pass-through entity and does not directly generate gross receipts within the city, but otherwise transacts and carries on business within the city, or maintains a business presence in the city, or is registered as a business entity with the California Secretary of State pursuant to the California Corporations Code as the same now exists or as may be hereafter amended from time-to-time with a designated or registered business entity address located in the city, then the business license tax liability of such business entity or person under Section 21-119 shall be limited to the minimum tax amount.

Sec. 21-119.3. - Home-based businesses—Alternate tax.

(a) Persons liable under the terms of this Chapter for gross receipts business license taxes for business conducted from a home residence within the city and whose gross receipts therefrom do not exceed the annual amount specified in Section 21-120h(1)(a) per year shall have the right to elect an alternate flat rate business license tax as set forth in Section 21-120h of this Chapter for home based businesses and home based occupations, in lieu of the gross receipts tax which would otherwise be applicable. Such election shall be made in writing at the time of applicant's original application for a business license or may be made once annually thereafter at the time of licensee's application for a renewal license.

(b) Home based businesses and home occupations eligible for election of an alternate flat rate tax assessment shall be deemed to be those businesses or occupations conducted from a home residence in the city whose business or occupational use of said residential premises meets the requirements for a home occupation permit as set forth in Sections 41-193.1 through 41-607 of this code as the same now exist or as they may be hereafter amended from time-to-time.

Sec. 21-119.4. - Election of an alternate tax assessment basis—Effect.

In every case where a licensee exercises a right under this Chapter to elect an alternate tax assessment basis the effect of said election shall be as follows:

(a) In the event an existing licensee elects to convert their annual license assessment to an alternate tax assessment basis with an annual term beginning one (1) or more calendar quarters before the commencement of their pre-existing tax assessment

basis and ending one (1) or more calendar quarters after the conclusion of their pre-existing tax assessment basis, then their initial alternate tax assessment shall be subject to a quarterly proration to account for the reduced number of calendar quarters remaining in the term of the newly elected tax assessment.

(b) In the event an existing licensee elects to convert their annual license assessment to an alternate tax assessment basis with an annual term beginning one (1) or more calendar quarters after the commencement of their pre-existing tax assessment basis and ending one (1) or more calendar quarters after the conclusion of their pre-existing tax assessment basis, then their pre-existing tax assessment shall be retroactively increased prorata by the number of quarters necessary to account for the quarterly periods remaining between the conclusion of their pre-existing licensing term and the commencement of their alternate tax assessment licensing term.

Sec. 21-120. - Flat rate and variable flat rate tax schedules; adjustment for inflation/deflation.

(a) Flat rate and variable flat rate taxes are as set forth in Section 21-120a through 21-120w of this article.

(b) Each tax, including each of its components, and any specified deposit amount required in lieu thereof, together with any other charges which are imposed pursuant to this chapter, but excluding the individual gross receipts tax rates set forth in section 21-119, shall be automatically adjusted on November 1, 2023, and on November 1 of each year thereafter, upward or downward, equivalent to the most recent change in the annual average of the consumer price index (All Urban Consumers 1982-84 = 100) as published by the United States Department of Labor for the Los Angeles-Long Beach-Anaheim metropolitan area as the same now exists or as shall be from time to time amended by the United States Department of Labor.

(c) For purposes of calculating the annual inflator/deflator factor under this section, the base year shall be that year ending with the quarter ending June 30, 2022. Rates (tax rates, basic rate amounts, charges, specified deposit amounts, qualifying threshold amounts, maximum tax cap amounts) shall first be adjusted on November 1, 2023, and thereafter, based on the annually calculated change from the base year through to September 30 of each successive year. Said change shall be rounded off to the nearest whole dollar as follows: If the remaining fraction of a dollar is forty-nine one-hundredths of a dollar or less, such fraction shall be omitted. If the remaining fraction of a percent is fifty-one-hundredths of a dollar or more, the next highest dollar shall be applied.

Sec. 21-120a. - Advertising services amusement services.

(1) ADVERTISING SERVICE:

(a) Distributing samples or posting bills\$250.00 A

(2) AMUSEMENT SERVICES:

- (a) Amusement center (a location where mechanical devices or animals are maintained for furnishing rides or entertainment and which may also include vending stands):
 - (i) More than 10 days:
 - Base rate.....\$500.00 M
 - Plus, for each ride or vending stand in excess of 1060.00 Q
 - (b) Sporting exhibitions100.00 D
 - (c) Carnival, circuses, concerts, tent shows and open air shows seating not more than 4,000 persons:
 - First day200.00 D
 - Each additional day.....100.00 D
 - (d) Carnival, circuses, concerts, tent shows and open air shows seating more than 4,000 persons:
 - First day.....500.00 D
 - Each additional day300.00 D

Sec. 21-120b. - Building tradesmen and taxi companies.

- (1) BUILDING TRADESMEN, per individual.....\$35.00 A
- (2) TAXI COMPANY, per vehicle..... 35.00 A

Sec. 21-120c. - Catering trucks, change in location amendment charge, change in name amendment charge, Christmas tree and pumpkin lots, contractors.

- (1) CATERING TRUCKS, per vehicle.....\$250.00 A
- (2) CHANGE IN LOCATION AMENDMENT CHARGE, per license..... 15.00 C
- (3) CHANGE IN NAME AMENDMENT CHARGE, per license15.00 C
- (4) CHRISTMAS TREE LOTS, per lot8.00 D
- (5) PUMPKIN PATCH LOTS, per lot8.00 D
- (6) CONTRACTOR—GENERAL CONTRACTOR,
prorated quarterly per contractor300.00 A
- (7) CONTRACTOR—SPECIALTY and SUBCONTRACTOR,
prorated quarterly per contractor275.00 A

Sec. 21-120d. - Dances, duplicate license charge.

- (1) DANCE, PUBLIC, per dance\$35.00 D

(2) DUPLICATE LICENSE CHARGE, per license 10.00 C
Sec. 21-120f. - Firework stand.

FIREWORK STAND, per stand \$250.00

Sec. 21-120g. - Gardeners or lawn maintenance workers.

GARDENERS OR LAWN MAINTENANCE WORKER, per individual.....\$35.00 A

Sec. 21-120h. - Home-based businesses, home occupations, hobby - gratuitous license charge.

(1) HOME-BASED BUSINESS/HOME OCCUPATION\$35.00 A

a. QUALIFYING THRESHOLD AMOUNT per licensee..... 50,000.00 T

(2) HOBBY – GRATUITOUS LICENSE CHARGE, per license 10.00 C

Sec. 21-120i. - Independent contractors, ice cream trucks, itinerant merchants, insurance solicitors, initial period application processing charge.

(1) INDEPENDENT CONTRACTOR, per individual\$35.00 A

(2) INITIAL PERIOD APPLICATION PROCESSING CHARGE

Per license application 15.00 C

(3) ITINERANT MERCHANT250.00 Q

(4) INSURANCE SOLICITOR, per solicitor35.00 A

(5) ICE CREAM TRUCKS250.00 A

Sec. 21-120j. - Janitorial and building maintenance services, junk collection.

(1) JANITORS AND BUILDING MAINTENANCE WORKERS,

Per individual.....\$35.00 A

(2) JUNK COLLECTION, per vehicle250.00 A

Sec. 21-120m. - Minimum gross receipts – qualifying threshold amount / gratuitous license charge.

MINIMUM GROSS RECEIPTS – QUALIFYING THRESHOLD AMOUNT /
GRATUITOUS LICENSE CHARGE

(a) QUALIFYING THRESHOLD AMOUNT per licensee\$5,000.00 T

(b) GRATUITOUS LICENSE CHARGE, per license10.00 C
 Sec. 21-120n – New Business – minimum tax.
 NEW BUSINESS – MINIMUM TAX
 Per license.....\$10.00 A

Sec. 21-120o. - Off-premises commercial advertising signs.

OFF-PREMISE COMMERCIAL ADVERTISING SIGNS:

- (1) Sign faces with gross dimensions equal to or less than three hundred (300) square feet, per sign face\$190.00 A
- (2) Sign faces with gross dimensions in excess of three hundred (300) square feet, per sign face250.00 A

Sec. 21-120p. - Peddlers and pushcarts.

- (1) PEDDLER, per peddler as principal..... \$250.00 A or 10.00 D
- (2) PEDDLER, per peddler as independent contractor.....35.00 A
- (3) PRINCIPAL'S PEDDLER'S LICENSE.....400.00 A
 per each person engaged in peddling in the city.....35.00 A
- (4) Reserved.
- (5) PUSHCARTS, per pushcart.....500.00 A

Sec. 21-120r. - Real estate agents, renewal application processing charge, rental of residential real estate: residential property rental; residential apartment rental; rooming house rental; residential mobile home property rental; revalidation application processing charge.

- (1) REAL ESTATE AGENT, per agent\$35.00 A
- (2) RENEWAL APPLICATION PROCESSING CHARGE
 Per license renewal application..... 15.00 C
- (3) RESIDENTIAL PROPERTY RENTAL UNIT63.00 A
 Plus per each property rental unit 13.00 A
- (4) RESIDENTIAL APARTMENT RENTAL63.00 A
 Plus per each apartment rental unit 13.00 A
- (5) ROOMING HOUSE RENTAL63.00 A
 Plus per each room rental unit.....13.00 A

- (6) RESIDENTIAL MOBILE HOME PROPERTY RENTAL63.00 A
 - Plus, per each rental unit space.....13.00 A
- (7) REVALIDATION APPLICATION PROCESSING CHARGE
 - Per license revalidation application.....10.00 C

Sec. 21-120s. - Sealing of no identified or unlicensed machines; shoeshine stands, solicitors, swap meet exhibitor.

- (1) SEALING OF NONIDENTIFIED OR UNLICENSED MACHINES
 - Per machine.....\$10.00 C
- (2) SHOESHINE STAND.....35.00 A
- (3) SOLICITOR, per solicitor as principal.....250.00 A
- (4) SOLICITOR, per solicitor as independent contractor35.00 A
- (5) PRINCIPAL'S SOLICITOR'S LICENSE.....400.00 A
 - Per each person engaged in soliciting in the city.....35.00 A
- (6) SWAP MEET EXHIBITOR, per participating exhibitor.....3.00 D

Sec. 21-120t. - Theatrical performance; tow trucks, trucking and general delivery.

- (1) THEATRICAL PERFORMANCE\$120.00 D
- (2) TRUCKING AND GENERAL DELIVERY, per vehicle120.00 A
- (3) TOW TRUCKS, per vehicle.....120.00 A

Sec. 21-120v. - Vending and coin-operated machines.

COIN-OPERATED MACHINES OR DEVICES:

- (1) Per \$0.25 device and over
 - (a) First Machine.\$ 25.00 A
 - (b) Per additional device.....13.00 A

Sec. 21-120w. - Warehouses.

- (1) WAREHOUSE\$250.00 A

Sec. 21-121. - Reserved.

Section 6. Article XIV (Tax Holiday) is hereby added to Chapter 21 of the Santa Ana Municipal Code (Licenses) to read in its entirety as follows.

ARTICLE XIV. - TAX HOLIDAY

Sec. 21-143. - Development and Administration of the Tax Holiday Program.

The City Manager and his or her designee shall develop and administer a Tax Holiday program as authorized and provided in this article.

Sec. 21-144. - Duration and Application of Program.

The Tax Holiday program shall be conducted for the period of twelve (12) months as specified hereinafter.

(a) All annual license renewals based upon a flat rate shall be for the twelve-month period beginning January first of the current year and shall expire on the thirty-first day of December of the current year.

(b) All annual license renewals based upon a variable flat rate shall be for the twelve-month period beginning July first of the current year and shall expire on the thirtieth day of June of the following year.

(c) All annual license renewals based upon gross receipts shall be for the twelve-month period beginning on April first of the current year and shall expire on the thirty-first day of March of the following year.

(d) All quarterly licenses shall be for the period of three (3) months beginning on the first day of January and ending on the thirty-first day of March; on the first day of April and ending on the thirtieth day of June; on the first day of July and ending on the thirtieth day of September; on the first day of October and ending on the thirty-first day of December.

Sec. 21-145. - Elements of program; requisites for compliance with program.

(a) The provisions of this article shall apply to any persons who are required to obtain a business license and pay a business license tax under Chapter 21 of the Santa Ana Municipal Code and who files a business license application and complies with the following program requisites:

(1) Substantially complies with the business license application procedure created and administered by the City Manager and his or her designee;

(2) For any persons with unlicensed businesses who pay in full all business license taxes for the current tax year within a ninety (90) day period shall then be excused from all back tax liability, including penalties and interest, as described in Section 21-15.

(3) For any persons with licensed businesses that are in arrears for business license taxes or under-assessed as a result of improperly underreporting business license tax liabilities and wish to cure an arrears or underreporting may do so. However, the principal amount of the arrears outstanding or the principal amount of the under-assessment must be paid in full in order to qualify for a penalty and interest Tax Holiday.

(b) For any business license taxes subject to a Tax Holiday under this program, the City Manager and his or her designee may enter into an installment payment agreement, in lieu of the complete payment required under subdivision 2 of subsection (a) of this section. Failure of a person paying a business license tax to fully comply with the terms of the installment payment agreement shall render the waiver of any penalties and interest applicable thereto null and void, unless the City Manager and his or her designee determines that the failure was due to reasonable cause and the person substantially complied with the terms of the installment agreement. An installment agreement under this article shall have a minimum term of six (6) months, by which date all arrears business license taxes, fees, and costs must be fully paid. The City Manager and his or her designee may use their discretion to alter any existing installment agreement to reflect the intent of the Tax Holiday.

Section 21-146. - Implementation of article.

The City Manager and his or her designee shall adequately publicize the Tax Holiday program, issue forms and instructions, and take all other necessary actions needed to implement this article. The City Manager and his or her designee shall have the discretion to create the application for the Tax Holiday program. The Finance and Management Services Agency shall have the discretion to determine whether a taxpayer has substantially complied with the requirements of the Tax Holiday program.

Section 7. Pursuant to Section 2(b) of Article XIII C of the California Constitution and California Elections Code Section 9217, if a majority of the voters voting in the election on this ordinance vote in its favor, the ordinance shall become a valid and binding ordinance of the City of Santa Ana. The ordinance shall be considered as adopted upon the date that the vote is declared by the City Council, and shall go into effect ten (10) days after that date.

Section 8. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The People of the City of Santa Ana hereby declare that they

would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 9. Following certification by the Clerk of Council that the citizens of Santa Ana have approved this ordinance, the Mayor shall sign this ordinance and the Clerk shall cause the same to be entered in the book of original ordinances and shall cause the same, or a summary thereof, to be published as required by law.

CHARTER COMPARATIVE TABLE
(modified)

(Commencing with Supplement No. 8)

| Ordinance Number | Adoption Date | Approved at Election | Disposition |
|------------------|---------------|-------------------------|---|
| NS-1028 | 8-18-70 | 11- 3-70 | 904 |
| NS-1316 | 8-24-76 | 11- 2-76 | 101.1 —101.3, |
| NS-1346 | 1-25-77 | 4- 5-77 | 400 , 401.1 , |
| | | | 403 , 1201 , |
| | | | 1203 , 1204 |
| NS-1405 | 3-13-78 | 6- 6-78 | 200 , 409 , |
| | | | 410 , 413 , |
| | | | 416 —418, |
| | | | 421 , |
| | | Rpld | 424 , |
| | | | 1008—1010, |
| | | | 1014 , 1015 , |
| | | Rpld | 1101, 1102 , |

| | | | |
|---------|---------|----------|---|
| | | | 1106 , 1107 , |
| | | | 1203 , 1400 |
| NS-1521 | 3-17-80 | 6- 3-80 | 101.1 , |
| | | Rpld | 101.3 , |
| | | | 401 , 1002 , |
| | | | 1012 , 1013 |
| NS-1642 | 8- 2-82 | 11- 2-82 | 400 , 401.1 , 420 , |
| | | | 421 , 703 , 904, |
| | | | 907, 908, 911, |
| | | | 912, 1000 , 1002 , |
| | | | 1004 , 1005, |
| | | | 1201 |
| | | Rpld | 104, 105 , |
| | | | 107—109, 705 , |
| | | | 706 , 1001 , 1003 , |
| | | | 1005—1009 |

| | | | |
|---------|---------|----------|---|
| NS-1667 | 1- 3-83 | 4- 5-83 | 901 |
| NS-1864 | 8-19-86 | 11- 4-86 | 101.1 , 400 , |
| | | | 401.1 |
| | | | 403 —405, |
| | | | 419 |
| | | Rpld | 600, 601 , 608 |
| NS-1973 | 8-15-88 | 11-10-88 | 400 , 402 , |
| | | | 405 , 406 |
| NS-2074 | 8- 6-90 | 11- 6-90 | 411 , 614 , 501 , |
| | | | 700 , 701 , 705 , |
| | | | 1501 |
| NS-2170 | 7-20-92 | 11- 3-92 | 425 , 901.1, 1206 —1208 |
| NS-2715 | 7- 3-06 | 11- 7-06 | 400 , 401 |
| | | | 413 |
| | | | 421 , 422 |
| | | | 901, 901.1 |

| | | | |
|--------------------------------|-------------------------|----------|------------------------|
| | | | 910—912 |
| | | | 1200 |
| 2007-057-S1(Res.) | 11-5-07 | 2-5-08 | 401 |
| | | Added | 401.05 |
| | | | 901 |
| 2012-034 (Res.) | 8- 1-12 | 11- 6-12 | 401 |
| | | | 404 |
| 2016-061(Res.) | 7- 5-16 | 11- 8-16 | 402 |
| 2018-047(Res.) | 7- 3-18 | 11- 6-18 | 900 |
| | | Rpld | 425 |
| | | | 610 |
| | | | 704 |
| | | | 901—912 |
| | | | 1107 |
| 2018-056(Res.) | 7-17-18 | 11- 6-18 | 101.2 |
| | | | 400 |

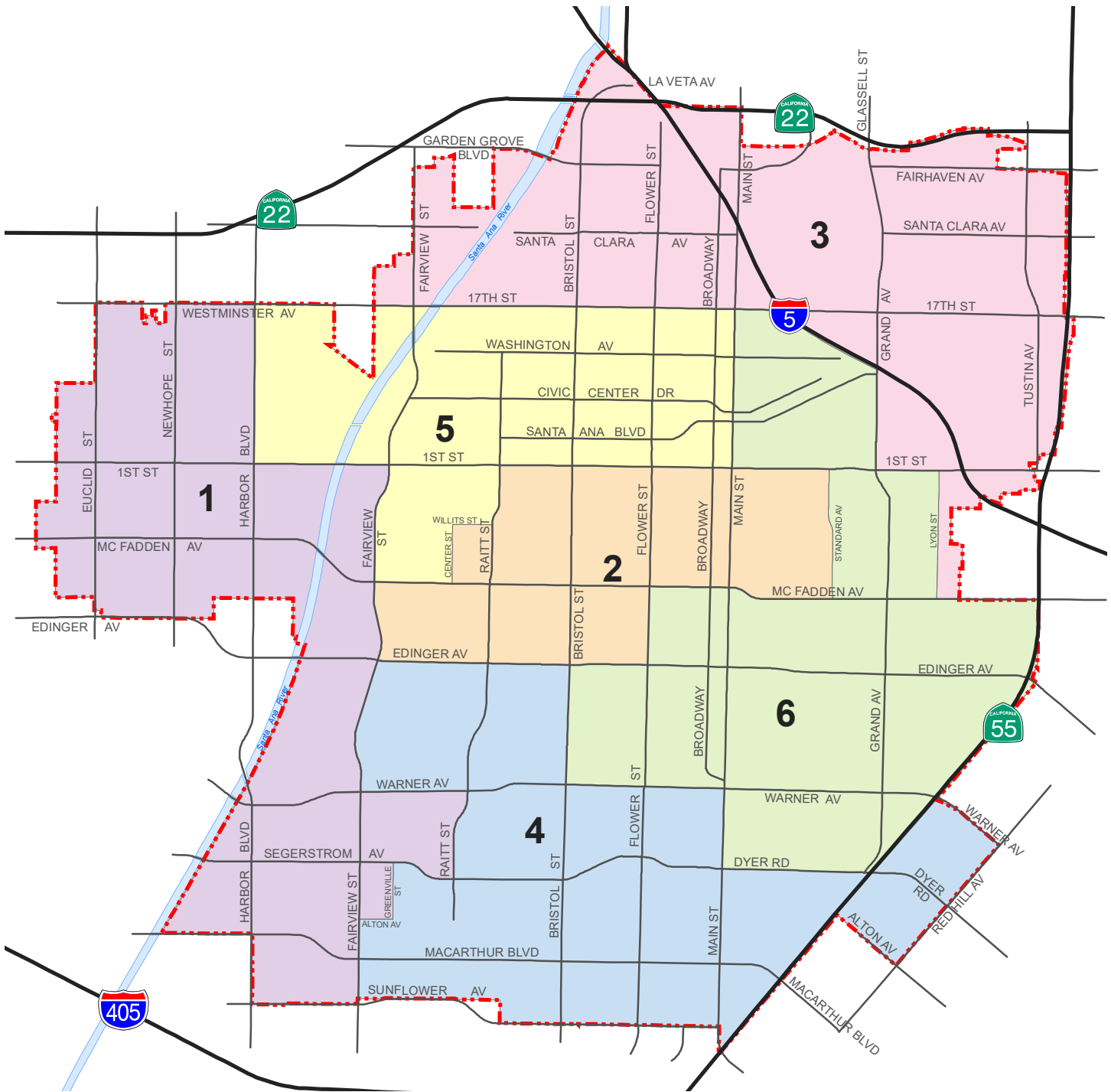


City Council Handbook
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Maps of Santa Ana

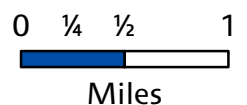
City of Santa Ana Council Wards

Ward Boundaries Adopted April 5th 2022



Council Wards

- Mayor:** Vicente Sarmiento - Term Expires 2022
- Ward 1:** Thai Viet Phan - Term Expires 2024
- Ward 2:** Nelida Mendoza - Term Expires 2022
- Ward 3:** Jessie Lopez - Term Expires 2024
- Ward 4:** Phil Bacerra - Term Expires 2022
- Ward 5:** Johnathan Ryan Hernandez - Term Expires 2024
- Ward 6:** David Penalosa - Term Expires 2022



ORDINANCE NO. NS-3018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ESTABLISHING NEW WARD BOUNDARY LINES OF THE WARDS OF THE CITY OF SANTA ANA AND REPEALING ORDINANCE NO. NS-2958

WHEREAS, in 2018, pursuant to a settlement agreement resulting from litigation regarding an alleged violation of the California Voting Rights Act, the Santa Ana City Council adopted Ordinance NS-2958 establishing new boundary lines of the wards of the City of Santa Ana; and

WHEREAS, in 2019, pursuant to a Charter amendment approved by the voters, the City of Santa Ana transitioned from wards where candidates for City Council were nominated by registered voters from their ward but elected at large to a system where candidates for City Council were both nominated and elected by registered voters residing in their ward;

WHEREAS, on September 17, 2019, the Santa Ana City Council adopted Ordinance No. NS-2975 changing the boundaries of ward 3 in conjunction with the proposed 24.78 acre county island annexation generally located as the northeast corner of Seventeenth Street and Tustin Avenue;

WHEREAS, in 2020 the federal decennial census was conducted and census data was recently released by the federal government; and

WHEREAS, pursuant to California *Elections Code* § 21621 and Santa Ana *Charter* § 101.2, after the federal decennial census, the City Council shall adopt boundaries of all Council wards; and

WHEREAS, on September 21, 2021, the Santa Ana City Council adopted Resolution No. 2021-053 regarding the City Council's intent to consider changes to boundary lines of the wards and fixing the date, time, and place of public hearings and public workshops for the redistricting process;

WHEREAS, on October 5, 2021 the Santa Ana City Council held its first Public Hearing regarding redistricting and adopted Resolution No. 2021-060 Amending and Restating Resolution No. 2021-053 regarding the City Council's intent to consider changes to boundary lines of the wards and fixing the date, time, and place of the public hearings and workshops; and

WHEREAS, Pursuant to *Elections Code* § 21627.1 of the Fair Maps Act, the City is required to hold four (4) public hearings to engage the public in the redistricting process, one (1) of which must be held prior to drawing the draft map(s), two (2) public hearings to be held after drawing the draft maps, and one public hearing or public workshop on a Saturday, Sunday or after 6 p.m. on a weekday; and

WHEREAS, the City held eleven (11) Public Hearings on the following dates: October 5, 2021, October 19, 2021, November 2, 2021, November 15, 2021, December 6, 2021, January 18, 2022, February 1, 2022, February 16, 2022, March 7, 2022, March 11, 2022, and April 5, 2022. At each of the Public Hearings, the Santa Ana City Council conducted a duly noticed public hearing to receive public input regarding the redistricting process, communities of interest, and/or the draft maps. During the Public Hearings, public comment was received in person, in writing, and virtually in real time; and

WHEREAS, the City held six (6) public workshops in person and virtually on the following dates: September 25, 2021, October 7, 2021, October 9, 2021, October 23, 2021, October 29, 2021, and October 30, 2021; and

WHEREAS, the Clerk of Council attended six (6) additional community meetings; and

WHEREAS, the Clerk of Council retained a demography expert, Redistricting Partners to assist with the redistricting process; and

WHEREAS, throughout the redistricting process the City has maintained a detailed redistricting website as required by the Fair Maps Act: <https://www.santa-ana.org/cc/redistricting>; and

WHEREAS, the City has provided notices and other materials to the public in English, Spanish, Vietnamese, Chinese, and Korean; and

WHEREAS, the City made available to the public an online mapping tool to permit the public to submit draft maps and which the public utilized during the redistricting process; and

WHEREAS, the Santa Ana City Council has considered all public comments on the proposed Council ward boundary changes including maps drawn by the public and submitted through the City's mapping program on the City redistricting website; and

WHEREAS, Santa Ana City *Charter* § 101.2 provides that an ordinance adjusting ward boundaries must be approved by a 2/3 affirmative vote requirement and be adopted no later than 120 days before an election in order to be effective for that election; and

WHEREAS, the Santa Ana City Council believes that the wards contained in the proposed draft map N2 ("Recommended Map") attached as Exhibit "A" hereto and incorporated herein by reference, would best serve the interests of the City and the residents of the City of Santa Ana; and

WHEREAS, the Recommended Map has been posted on the City's website in compliance with the Fair Maps Act; and

WHEREAS, the populations set forth in the wards of the Recommended Map are substantially equal in population and in compliance with all other legal requirements of the Fair Maps Act, United States Constitution, California Constitution, and the Federal

Voting Rights Act.

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS FOLLOWS:

Section 1. The Santa Ana City Council hereby finds, determines and declares that all of the Recitals set forth herein above are true and correct.

Section 2. Pursuant to *Elections Code* § 21621 and *Santa Ana Charter* § 101.2, the Santa Ana City Council hereby adopts the ward boundaries set forth in the Recommended Map (previously Draft Map N2) attached as Exhibit "A" and incorporated herein by reference, for use in the City's General Municipal Election on November 8, 2022 and subsequent elections thereafter until a further redistricting is required pursuant to state law or the City of Santa Ana Charter. Metes and bounds of each district are attached hereto as Exhibit "B" and incorporated herein by reference.

Section 3. The Clerk of Council or her designee shall take all actions necessary to notify the Orange County Registrar of Voters Office of the City Council's determination forthwith and provide whatever assistance may be required by the County Registrar of Voters to implement the new ward boundary lines.

Section 4. The Clerk of Council shall cause a map diagram showing the new ward boundary lines of each and every ward to be published in the Orange County Register not less than thirty (30) days prior to the 2022 general municipal election as required by *Santa Ana Charter* § 101.4.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

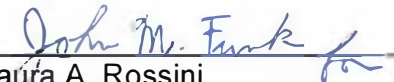
Section 6. This Ordinance shall become effective and be in force immediately from and after the date of its passage.

Section 7. The Clerk of the Council shall certify and attest to the adoption of this ordinance and shall cause the same to be published as required by law

ADOPTED this 19th day of April, 2022.


Vicente Sarmiento
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: 
Laura A. Rossini
Chief Assistant City Attorney

AYES: Councilmembers Bacerra, Hernandez, Lopez, Mendoza,
Phan, Penaloza, Sarmiento (7)

NOES: Councilmembers None (0)


ABSTAIN: Councilmembers None (0)

NOT PRESENT: Councilmembers None (0)

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Daisy Gomez, Clerk of the Council, do hereby attest to and certify the attached Ordinance No. NS-3018 to be the original ordinance adopted by the City Council of the City of Santa Ana on April 19, 2022, and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 4/20/2022


Daisy Gomez
Clerk of the Council
City of Santa Ana

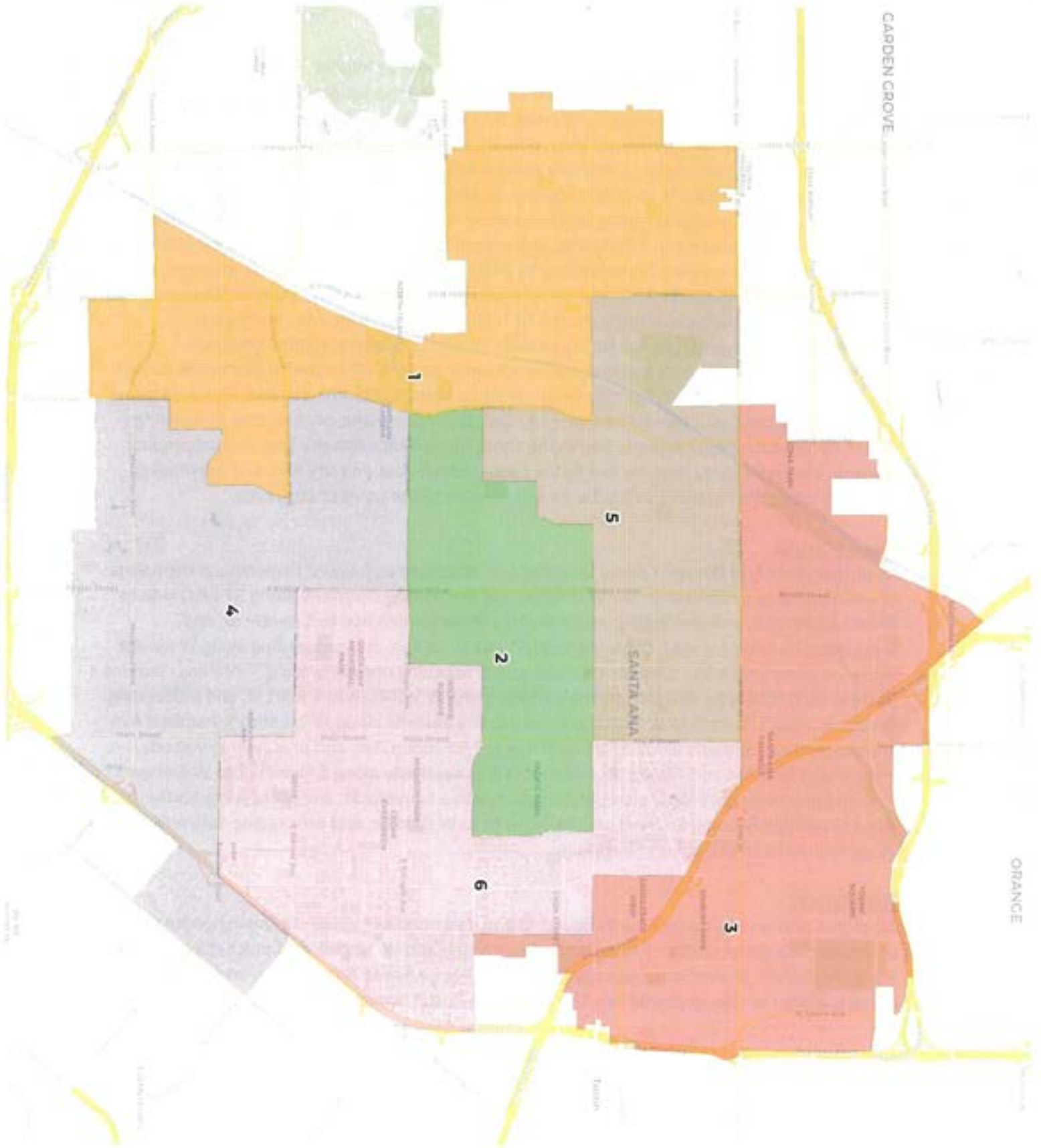


Exhibit B

City of Santa Ana | Draft Plan N2 | Metes & Bounds

First District

All of that portion of Orange County bounded and described as follows: Beginning at the point of intersection of the Garden Grove/Santa Ana city line and the Fountain Valley/Santa Ana city line, and proceeding easterly along the Garden Grove/Santa Ana city line to N Harbor Blvd, and proceeding southerly along N Harbor Blvd to W 1st St, and proceeding easterly along W 1st St to N Fairview St, and proceeding southerly along N Fairview St to S Fairview St, and proceeding southerly along S Fairview St to W McFadden Ave, and proceeding easterly along W McFadden Ave to S Fairview St, and proceeding southerly along S Fairview St to W Dahl Ln, and proceeding westerly along W Dahl Ln to S Fairview St, and proceeding southerly along S Fairview St to W Edinger Ave, and proceeding easterly along W Edinger Ave to S Fairview St, and proceeding southerly along S Fairview St to W Warner Ave, and proceeding easterly along W Warner Ave to S Raitt St, and proceeding southerly along S Raitt St to W Segerstrom Ave, and proceeding westerly along W Segerstrom Ave to S Greenville St, and proceeding southerly along S Greenville St to W Alton Ave, and proceeding westerly along W Alton Ave to S Fairview St, and proceeding southerly along S Fairview St to the Costa Mesa/Santa Ana city line, and proceeding westerly along the Costa Mesa/Santa Ana city line to the Santa Ana city line, and proceeding northerly along the Santa Ana city line to the Costa Mesa/Santa Ana city line, and proceeding westerly along the Santa Ana city line to the Costa Mesa/Santa Ana city line, and proceeding northerly along the Fountain Valley/Santa Ana city line to the point of beginning.

Second District

All of that portion of Orange County bounded and described as follows: Beginning at the point of intersection of S Fairview St and W Dahl Ln, and proceeding northerly along S Fairview St to W McFadden Ave, and proceeding easterly along W McFadden Ave to S Center St, and proceeding northerly along S Center St to W Monta Vista Ave, and proceeding along W Monta Vista Ave along Santa Ana Gardens Channel, and proceeding northerly along Santa Ana Gardens Channel to W Willits St, and proceeding easterly along W Willits St to S Raitt St, and proceeding northerly along S Raitt St to W 1st St, and proceeding easterly along W 1st St to S Standard Ave, and proceeding southerly along S Standard Ave to McFadden Ave, and proceeding westerly along McFadden Ave to S Flower St, and proceeding southerly along S Flower St to W Edinger Ave, and proceeding westerly along W Edinger Ave to S Fairview St, and proceeding northerly along Greenville Banning Channel on S Fairview St to W Dahl Ln, and proceeding northerly along W Dahl Ln to the point of beginning.

Third District

All of that portion of Orange County bounded and described as follows: Beginning at the point of intersection of the Garden Grove/Santa Ana city line and W 17th St, and proceeding easterly along the Garden Grove/Santa Ana city line to the Orange/Santa Ana city line, and proceeding easterly along the Orange/Santa Ana city line to the Tustin/Santa Ana city line, and proceeding

southerly along the Tustin/Santa Ana city line to nonvisible boundary, and proceeding southerly along nonvisible boundary to the Tustin/Santa Ana city line, and proceeding easterly along the Tustin/Santa Ana city line to McFadden Ave, and proceeding westerly along McFadden Ave to S Lyon St, and proceeding northerly along S Lyon St to E 1st St, and proceeding westerly along E 1st St to N Grand Ave, and proceeding northerly along N Grand Ave to I- 5, and proceeding westerly along I- 5 to E 17th St, and proceeding westerly along E 17th St to N Main St, and proceeding southerly along N Main St to W 17th St, and proceeding westerly along W 17th St to nonvisible boundary, and proceeding westerly along nonvisible boundary to N Fairview St, and proceeding southerly along N Fairview St to W 17th St, and proceeding westerly along W 17th St to the point of beginning.

Fourth District

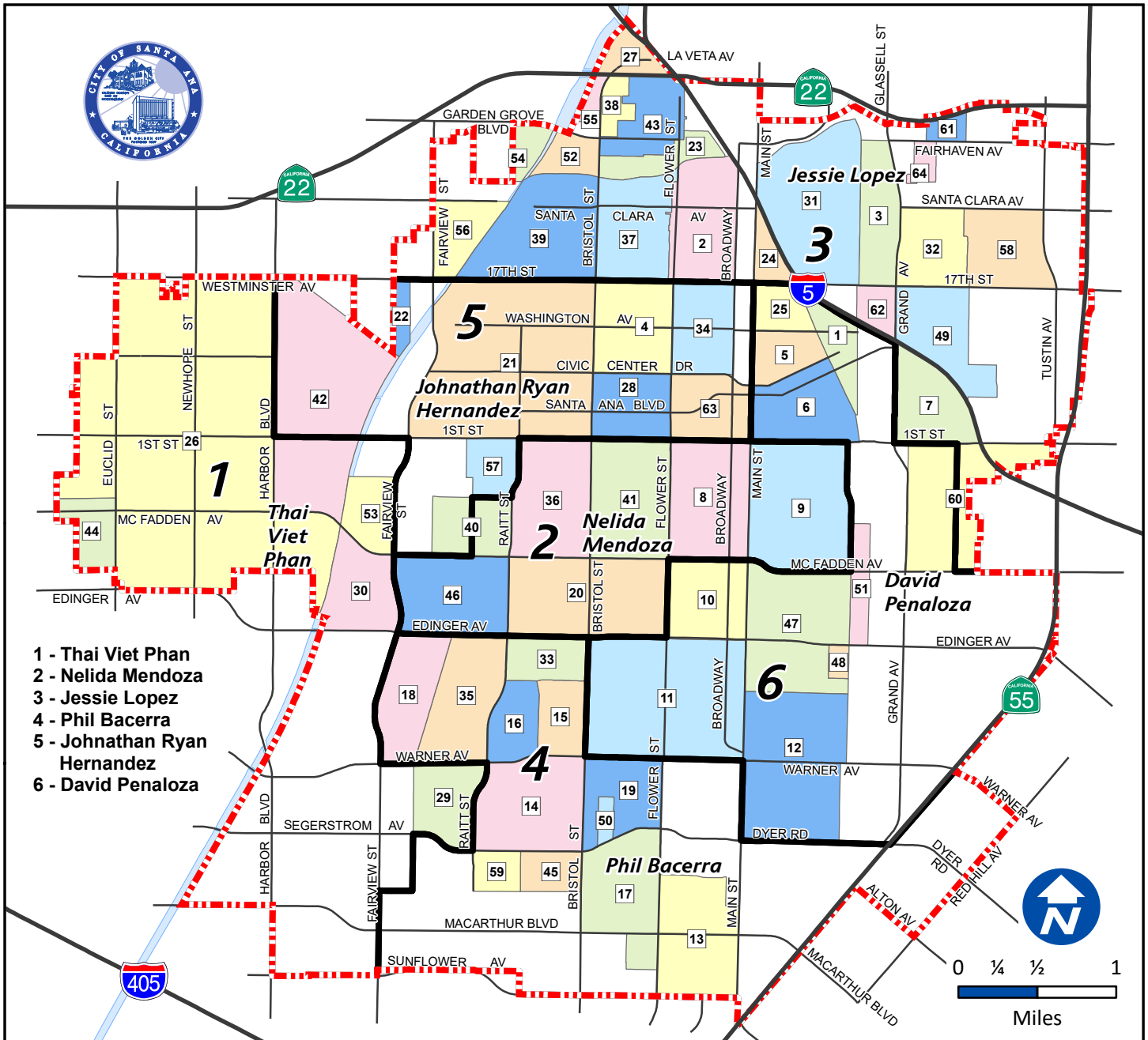
All of that portion of Orange County bounded and described as follows: Beginning at the point of intersection of S Fairview St and W Warner Ave, and proceeding northerly along S Fairview St to W Edinger Ave, and proceeding easterly along W Edinger Ave to S Bristol St, and proceeding southerly along S Bristol St, and proceeding easterly to W Warner Ave, and proceeding easterly along W Warner Ave to S Main St, and proceeding southerly along S Main St to E Dyer Rd, and proceeding easterly along E Dyer Rd to Costa Mesa Fwy, and proceeding north-easterly along Costa Mesa Fwy to the Tustin/Santa Ana city line, and proceeding north-easterly along Red Hill Ave/Irvine/Santa Ana city line, and proceeding southerly along the Irvine/Santa Ana city line to the Costa Mesa/Santa Ana city line, and proceeding south-westerly along Red Hill Ave, and proceeding north-westerly along Alton Pkwy to 55 Fwy, and south-westerly along 55 Fwy to Main St, and proceeding northerly along S Main St to westerly on W Sunflower Ave from S. Main S along the Santa Ana Delhi Channel to S Bear St, and proceeding northerly along S Bear St to W Wakeham Pl, and proceeding westerly along W Sunflower along the Santa Ana Channel to the point of beginning.

Fifth District

All of that portion of Orange County bounded and described as follows: Beginning at the point of intersection of N Harbor Blvd and W 1st St, and proceeding northerly along N Harbor Blvd to the Garden Grove/Santa Ana city line, and proceeding easterly along the Garden Grove/Santa Ana city line to W 17th St, and proceeding easterly along W 17th St to N Fairview St, and proceeding northerly along N Fairview St to nonvisible boundary, and proceeding easterly along nonvisible boundary to W 17th St, and proceeding easterly along W 17th St to N Main St, and proceeding southerly along N Main St to W 1st St, and proceeding westerly along W 1st St to N Bristol St, and proceeding southerly along N Bristol St to W 1st St, and proceeding westerly along W 1st St to S Raitt St, and proceeding southerly along S Raitt St to W Willits St, and proceeding westerly along W Willits St to Santa Ana Gardens Channel, and proceeding southerly along Santa Ana Gardens Channel to W Monta Vista Ave, and proceeding easterly along W Monta Vista Ave to S Center St, and proceeding southerly along S Center St to W McFadden Ave, and proceeding westerly along W McFadden Ave to S Fairview St, and proceeding northerly along S Fairview St to N Fairview St, and proceeding northerly along N Fairview St to W 1st St, and proceeding westerly along W 1st St to the point of beginning.

Sixth District

All of that portion of Orange County bounded and described as follows: Beginning at the point of intersection of S Bristol St proceeding northerly along S Bristol St to W Edinger Ave, and proceeding easterly along W Edinger Ave to S Flower St, and proceeding northerly along S Flower St to W McFadden Ave, and proceeding easterly along W McFadden Ave to S Standard Ave, and proceeding northerly along S Standard Ave to E 1st St, and proceeding westerly along E 1st St to N Main St, and proceeding northerly along N Main St to E 17th St, and proceeding easterly along E 17th St to I- 5, and proceeding southerly along I- 5 to N Grand Ave, and proceeding southerly along N Grand Ave to E 1st St, and proceeding easterly along E 1st St to S Lyon St, and proceeding southerly along S Lyon St to McFadden Ave, and proceeding easterly along McFadden Ave to the Tustin/Santa Ana city line, and proceeding easterly along the Tustin/Santa Ana city line to Costa Mesa Fwy, and proceeding south-westerly along Costa Mesa Fwy to E Dyer Rd, and proceeding westerly along E Dyer Rd to S Main St, and proceeding northerly along S Main St to W Warner Ave, and proceeding westerly to the point of beginning.



- 1 - Thai Viet Phan
- 2 - Nelida Mendoza
- 3 - Jessie Lopez
- 4 - Phil Bacerra
- 5 - Johnathan Ryan Hernandez
- 6 - David Penalzo

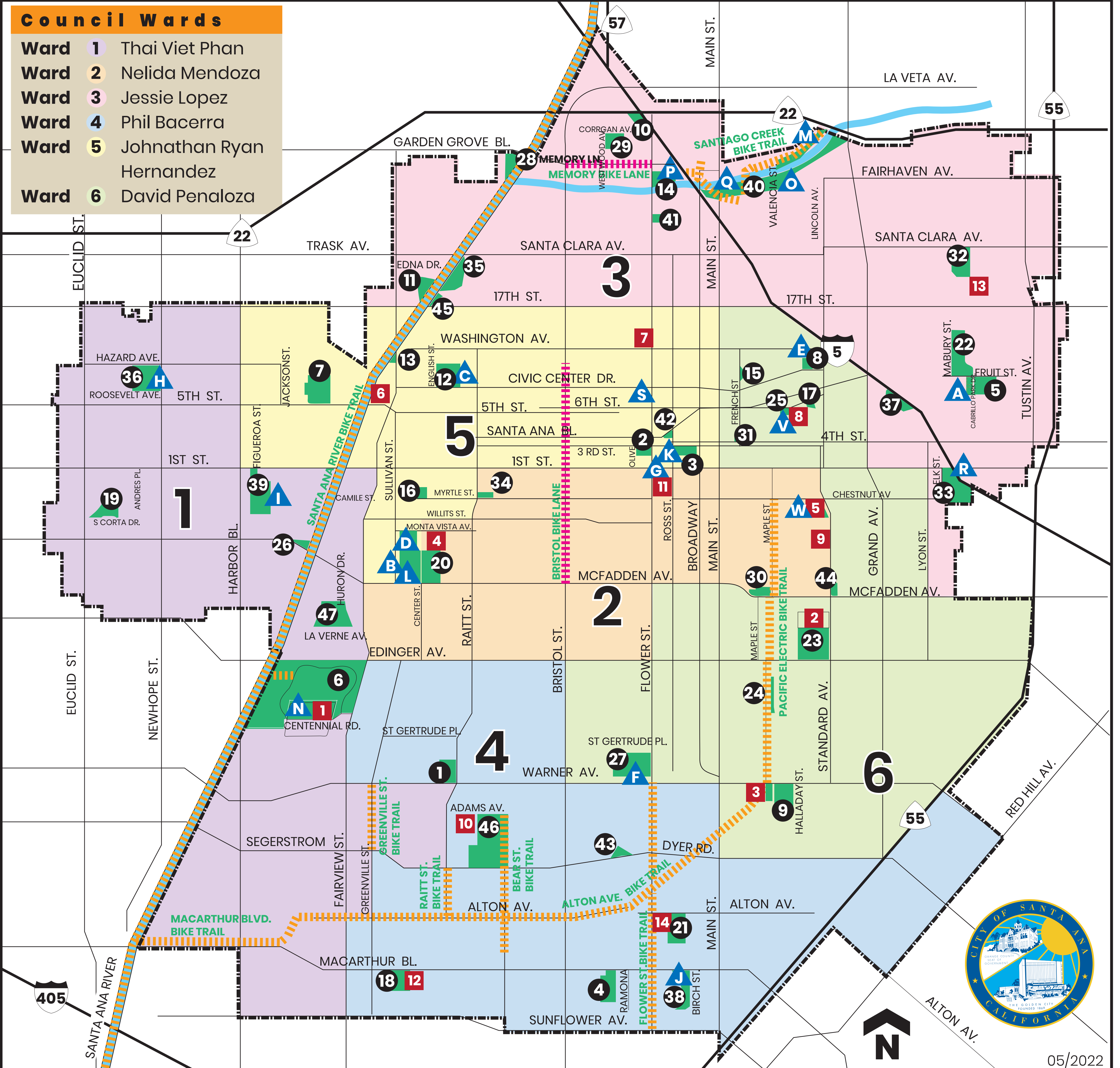
Council Wards and Neighborhoods

SANTA ANA NEIGHBORHOODS

- | | | | | |
|-----------------------------|------------------------|------------------------------|----------------------------|---------------------------|
| 1. Logan | 14. Thornton Park | 27. Northwest | 39. Riverview | 52. Casa De Santiago |
| 2. Floral Park | 15. Bristol/Warner | 28. Flower Park | 40. Bella Vista | 53. Windsor Village North |
| 3. Fairhaven | 16. Laurelhurst | 29. Morning Sunwood | 41. Pico-Lowell | 54. Concord |
| 4. Washington Square | 17. South Coast | 30. Windsor Village | 42. Santa Anita | 55. Riverglen |
| 5. French Park | 18. Centennial Park | 31. Park Santiago | 43. Morrison/Eldridge Park | 56. Edna Park |
| 6. Lacy | 19. Sunwood Central | 32. Portola Park | 44. West Grove Valley | 57. Casa Bonita |
| 7. Saddleback View | 20. Mid-City | 33. Shadow Run | 45. Republic Homes | 58. Meredith Parkwood |
| 8. Hening Park | 21. Artesia Pilar | 34. Willard | 46. New Horizons | 59. Metro Classic |
| 9. Pacific Park | 22. Mar-Les | 35. Valley Adams | 47. Madison Park | 60. Lyon Street |
| 10. Wilshire Square | 23. Fisher Park | 36. Central City | 48. Cedar Evergreen Co-Op | 61. Fairbridge Square |
| 11. Santa Ana Memorial Park | 24. Santa Ana Triangle | 37. West Floral Park | 49. Mabury Park | 62. Grand Sunrise |
| 12. Delhi | 25. French Court | 38. Bristol Memory Coalition | 50. Rosewood Baker | 63. Downtown |
| 13. Sandpointe | 26. Riverview West | | 51. Cornerstone Village | 64. Young Square |

Council Wards

- Ward 1** Thai Viet Phan
- Ward 2** Nelida Mendoza
- Ward 3** Jessie Lopez
- Ward 4** Phil Bacerra
- Ward 5** Johnathan Ryan Hernandez
- Ward 6** David Penaloza



05/2022

CITY PARKS (47) / JOINT USE SCHOOLS SAUSD (14) ● Park ▲ Facility ■ School * Joint Use with SAUSD

| | | | |
|-------------------------------------|--|--|---|
| 1 Adams Park | 17 Garfield Exercise | 32 Portola Park* | ▲ Santa Ana Stadium |
| 2 Angels Park* | 18 Grisot Park* | 33 Prentice Park / Santa Ana Zoo ▲ R | ■ Godinez High School* / Gym and Performing Arts Center ▲ N |
| 3 Birch Park | 19 Heritage Park | 34 Raitt/Myrtle Park (Undeveloped) | ■ Madison Elementary* |
| Santa Ana Senior Center ▲ K | 20 Jerome Park | 35 Riverview Park | ■ Monroe Elementary* |
| 4 Bomo Koral Park | 21 Lillie King Park | 36 Rosita Park / Salgado Community Center and Pool ▲ H | ■ Monte Vista Elementary* |
| 5 Cabrillo Park / Tennis Center ▲ A | 22 Mabury Park | 37 Saddleback View Park | ■ Roosevelt Elementary* / Community Center ▲ W |
| 6 Centennial Park* | 23 Madison Park* | 38 Sandpointe Park / Rec. Center ▲ J | ■ Romero Cruz Academy* |
| 7 Cesar Chavez Campesino Park | 24 Maple & Occidental Park | 39 Santa Anita Park | ■ Willard Intermediate* |
| 8 Chepa's Park | 25 Mariposa Park | 40 Santiago Park / Nature Center ▲ M | ■ Garfield Elementary* / Community Center ▲ V |
| Logan Recreation Center ▲ E | 26 Mcfadden Triangle | 41 Sarah May Downie Garden | ■ Adeline Walker Elementary* |
| 9 Delhi Park | 27 Memorial Park / Community Center and Pool ▲ F | 42 Sasscer Park | ■ Mcfadden Intermediate* |
| 10 Eldridge Park | 28 Memory Lane Park | 43 Segerstrom Triangle | ■ Santa Ana High School* / Neal Machander Tennis Courts ▲ G |
| 11 Edna Park | 29 Morrison Park | 44 Standard/Mcfadden Park (Undeveloped) | ■ Greenville Fundamental* |
| 12 El Salvador Park | 30 Pacific Electric Park | 45 17th Street Triangle | ■ John Muir Fundamental* |
| Community Center and Pool ▲ C | 31 Plaza Calle Cuatro | 46 Carl Thornton Park | ■ MacArthur Fundamental* |
| 13 Fairview Triangle | | 47 Windsor Park | |



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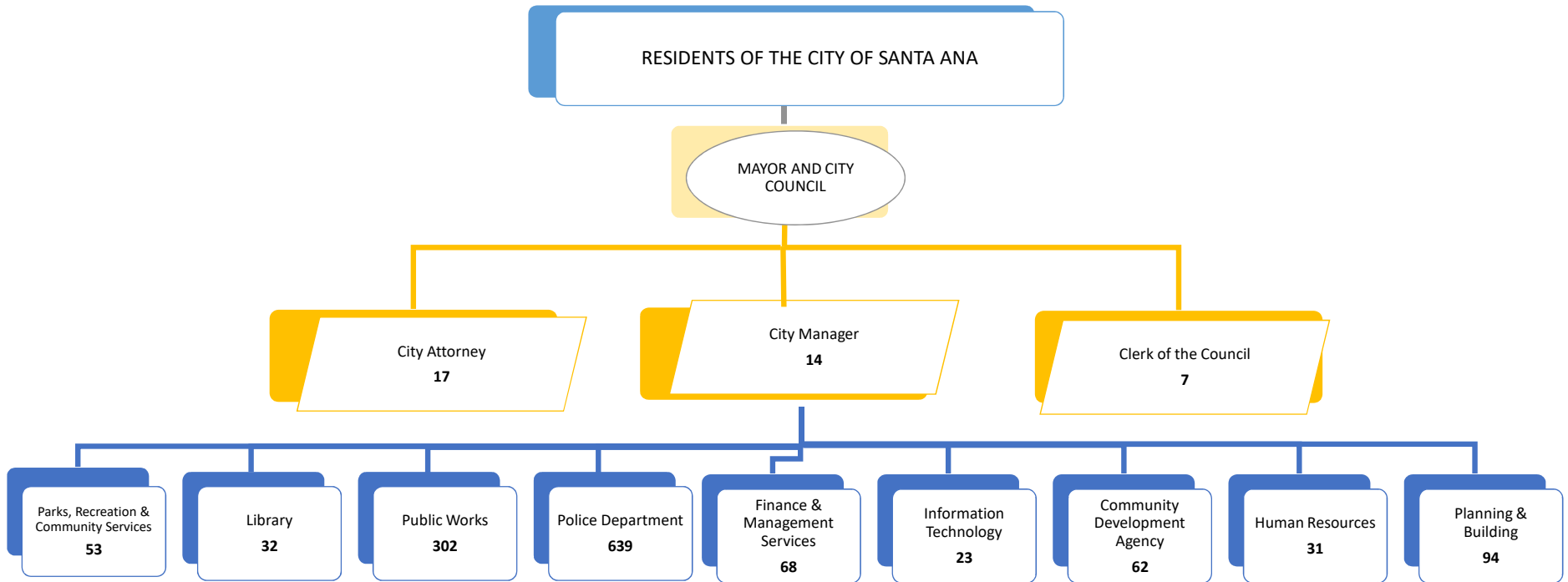


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Organizational Chart



FY 22-23 ORGANIZATION CHART AND FULL-TIME EMPLOYEES



FY 20 -21 Total Funded FT Positions: 1342



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Political Reform Act

2020 Political Reform Act

In the aftermath of the Watergate scandal, California was the first state to pass a comprehensive political reform package. Proposition 9, known today as [The Political Reform Act](#), was passed as a ballot measure by California voters in the June 1974 election. The initiative was championed by a tripartite group consisting of then-Secretary of State Jerry Brown, the People's Lobby, and Common Cause. By including provisions regulating campaign finance, lobbying activity and conflicts of interest, Proposition 9 represented the most significant state-level response to the culture of corruption that was believed to be so pervasive in the pre-Watergate years.

For more detailed information of the 2022 version of the Political Reform Act, please go to: <https://www.fppc.ca.gov//the-law/the-political-reform-act.html>



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AB 1234

**Fair Political
Practices Commission**

AB 1234 Requirement

Cities, counties and special districts in California are required by law ([AB 1234, Chapter 700, Stats. of 2005](#)) to provide ethics training to their local officials. Each local agency official shall receive at least two hours of training in general ethics principles and ethics laws relevant to his or her public service every two years.

An online training program has been established that allows local officials to satisfy the requirements of AB 1234 on a cost-free basis. The course can be accessed via the link below. When the training is finished, *you must print* the Certification of Completion provided at the end, and provide the signed certificate to the Clerk of the Council.

The local ethics training course can be found at: <http://localethics.fppc.ca.gov/login.aspx>.

The FPPC cannot advise on the legal requirements of AB 1234 because the FPPC does not have jurisdiction to do so. For questions pertaining to legal interpretation and application of AB 1234, please consult your local agency counsel.

If you have questions, concerns, or technical issues related to the online training program **offered on the FPPC website only**, please feel free to contact FPPC at: ab1234@fppc.ca.gov.

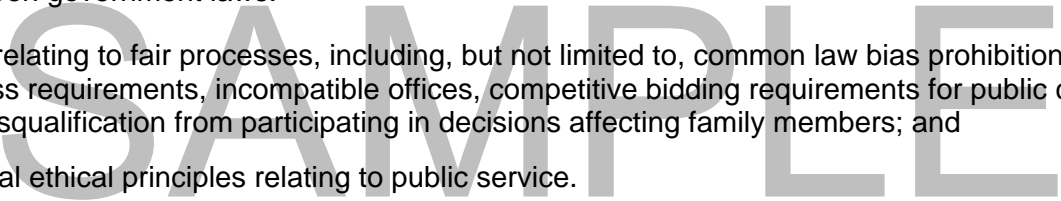
Public Service Ethics Education Online Proof of Participation Certificate

Date of Completion: **TODAY'S DATE**

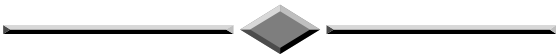
Training Time*: **NO LESS THAN 2 HOURS**

This course is an overview course on all public service ethics issues necessary to satisfy the requirements of Article 2.4 of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, including the following:

- Laws relating to personal financial gain by public servants, including, but not limited to, laws prohibiting bribery and conflict-of-interest laws.
- Laws relating to claiming perquisites (“perks”) of office, including, but not limited to, gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies.
- Government transparency laws, including, but not limited to, financial interest disclosure requirements and open government laws.
- Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification from participating in decisions affecting family members; and
- General ethical principles relating to public service.



The Fair Political Practices Commission and Attorney General have reviewed this course for course sufficiency and accuracy.



By signing below, I certify that I fully reviewed the content of the entire online AB 1234 course approved by the Attorney General and Fair Political Practices Commission and am entitled to claim two hours of public service ethics law and principles credit.

MUST SIGN YOUR NAME

PRINT YOUR NAME

Participant Signature

Participant Name

Santa Ana

Agency Name

*NOTE TO PARTICIPANT: Please provide a copy of this proof of participation to the custodian for such records at your agency. In addition, we recommend you make a copy of this proof of participation for your own records to retain for at least five years. To preserve the integrity of the online certification process; **these certificates are only available upon completing the online session.** * To satisfy AB 1234 requirements, this certificate must reflect that the public official spent two hours or more reviewing the materials presented in the online course. If the certificate reflects less than two hours, the participant should have on file additional certificates demonstrating that the official has satisfied the entire two hour requirement.*



City of Santa Ana
City Council Handbook

Form 700

Fair Political Practices Commission

2021-2022 Statement of Economic Interests



Form 700

A Public Document

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Helpful Resources

- Video Tutorials
- Reference Pamphlet
- Excel Version
- FAQs
- Gift and Travel Fact Sheet for State and Local Officials

California Fair Political Practices Commission

1102 Q Street, Suite 3000 • Sacramento, CA 95811

Email Advice: advice@fppc.ca.gov

Toll-free advice line: 1 (866) ASK-FPPC • 1 (866) 275-3772

Telephone: (916) 322-5660 • Website: www.fppc.ca.gov

December 2021

Quick Start Guide

Detailed instructions begin on page 3.

WHEN IS THE ANNUAL STATEMENT DUE?

- March 1 – Elected State Officers, Judges and Court Commissioners, State Board and Commission members listed in Government Code Section 87200
- April 1 – Most other filers

WHERE DO I FILE?

Most people file the Form 700 with their agency. If you're not sure where to file your Form 700, contact your filing officer or the person who asked you to complete it.

ITEMS TO NOTE!

- The Form 700 is a public document.
- Only filers serving in active military duty may receive an extension on the filing deadline.
- You must also report interests held by your spouse or registered domestic partner.
- Your agency's conflict of interest code will help you to complete the Form 700. You are encouraged to get your conflict of interest code from the person who asked you to complete the Form 700.

NOTHING TO REPORT?

Mark the "No reportable interests" box on Part 4 of the Cover Page, and submit only the signed Cover Page. Please review each schedule carefully!

| Schedule | Common Reportable Interests | Common Non-Reportable Interests |
|----------------------------------|---|--|
| A-1: Investments | Stocks, including those held in an IRA or 401K. Each stock must be listed. | Insurance policies, government bonds, diversified mutual funds, funds similar to diversified mutual funds. |
| A-2: Business Entities/Trusts | Business entities, sole proprietorships, partnerships, LLCs, corporations and trusts. (e.g., Form 1099 filers). | Savings and checking accounts, and annuities. |
| B: Real Property | Rental property in filer's jurisdiction, or within two miles of the boundaries of the jurisdiction. | A residence used exclusively as a personal residence (such as a home or vacation property). |
| C: Income | Non-governmental salaries. Note that filers are required to report only half of their spouse's or partner's salary. | Governmental salary (from school district, for example). |
| D: Gifts | Gifts from businesses, vendors, or other contractors (meals, tickets, etc.). | Gifts from family members. |
| E: Travel Payments | Travel payments from third parties (not your employer). | Travel paid by your government agency. |

Note: Like reportable interests, non-reportable interests may also create conflicts of interest and could be grounds for disqualification from certain decisions.

QUESTIONS?

- advice@fppc.ca.gov
- (866) 275-3772 Mon-Thurs, 9-11:30 a.m.

E-FILING ISSUES?

- If using your agency's system, please contact technical support at your agency.
- If using FPPC's e-filing system, write to form700@fppc.ca.gov.

What's New

Gift Limit Increase

The gift limit increased to **\$520** for calendar years **2021** and **2022**. The gift limit in 2020 was **\$500**.

Who must file:

- Elected and appointed officials and candidates listed in Government Code Section 87200
- Employees, appointed officials, and consultants filing pursuant to a conflict of interest code ("code filers"). **Obtain your disclosure categories, which describe the interests you must report, from your agency;** they are not part of the Form 700
- Candidates running for local elective offices that are designated in a conflict of interest code (e.g., county sheriffs, city clerks, school board trustees, and water board members)

Exception:

- Candidates for a county central committee are not required to file the Form 700
- Employees in newly created positions of existing agencies

For more information, see Reference Pamphlet, page 3, at www.fppc.ca.gov.

Where to file:

87200 Filers

| | | |
|----------------------|---|-----------------------------|
| State offices | ⇒ | Your agency |
| Judicial offices | ⇒ | The clerk of your court |
| Retired Judges | ⇒ | Directly with FPPC |
| County offices | ⇒ | Your county filing official |
| City offices | ⇒ | Your city clerk |
| Multi-County offices | ⇒ | Your agency |

Code Filers — State and Local Officials, Employees, and Consultants Designated in a Conflict of Interest

Code: File with your agency, board, or commission unless otherwise specified in your agency's code (e.g., Legislative staff files directly with FPPC). In most cases, the agency, board, or commission will retain the statements.

Members of Newly Created Boards and Commissions: File with your agency or with your agency's code reviewing body pursuant to Regulation 18754.

Employees in Newly Created Positions of Existing Agencies: File with your agency or with your agency's code reviewing body. (See Reference Pamphlet, page 3.)

Candidates file as follow:

| | | |
|--|---|--|
| State offices, Judicial offices and multi-county offices | ⇒ | County elections official with whom you file your declaration of candidacy |
| County offices | ⇒ | County elections official |
| City offices | ⇒ | City Clerk |
| Public Employee's Retirement System (CalPERS) | ⇒ | CalPERS |
| State Teacher's Retirement Board (CalSTRS) | ⇒ | CalSTRS |

How to file:

The Form 700 is available at www.fppc.ca.gov. Form 700 schedules are also available in Excel format. Each Statement must have a handwritten "wet" signature or "secure electronic signature," meaning either (1) a signature submitted using an approved electronic filing system or (2) if permitted by the filing officer, a digital signature submitted via the filer's agency email address. (See Regulations 18104 and 18757.) Companies such as Adobe and DocuSign offer digital signature services. All statements are signed under the penalty of perjury and must be verified by the filer. See Regulation 18723.1(c) for filing instructions for copies of expanded statements.

When to file:

Annual Statements

⇒ March 1, 2022

- Elected State Officers
- Judges and Court Commissioners
- State Board and State Commission Members listed in Government Code Section 87200

⇒ April 1, 2022

- Most other filers

Individuals filing under conflict of interest codes in city and county jurisdictions should verify the annual filing date with their filing official or filing officer.

Statements postmarked by the filing deadline are considered filed on time.

Statements of 30 pages or less may be emailed or faxed by the deadline as long as the originally signed paper version is sent by first class mail to the filing official within 24 hours.

Assuming Office and Leaving Office Statements

Most filers file within 30 days of assuming or leaving office or within 30 days of the effective date of a newly adopted or amended conflict of interest code.

Exception:

If you assumed office between October 1, 2021, and December 31, 2021, and filed an assuming office statement, you are not required to file an annual statement until March 1, 2023, or April 1, 2023, whichever is applicable. The annual statement will cover the day after you assumed office through December 31, 2022. (See Reference Pamphlet, page 6, for additional exceptions.)

Candidate Statements

File no later than the final filing date for the declaration of candidacy or nomination documents. A candidate statement is not required if you filed an assuming office or annual statement for the same jurisdiction within 60 days before filing a declaration of candidacy or other nomination documents.

Late Statements

There is no provision for filing deadline extensions unless the filer is serving in active military duty. (See page 19 for information on penalties and fines.)

Amendments

Statements may be amended at any time. You are only required to amend the schedule that needs to be revised. It is not necessary to amend the entire filed form. Obtain amendment schedules at www.fppc.ca.gov.

Types of Statements

Assuming Office Statement:

If you are a newly appointed official or are newly employed in a position designated, or that will be designated, in a state or local agency's conflict of interest code, your assuming office date is the date you were sworn in or otherwise authorized to serve in the position. If you are a newly elected official, your assuming office date is the date you were sworn in.

- Report: Investments, interests in real property, and business positions held on the date you assumed the office or position must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the date you assumed the office or position.

For positions subject to confirmation by the State Senate or the Commission on Judicial Appointments, your assuming office date is the date you were appointed or nominated to the position.

- Example: Maria Lopez was nominated by the Governor to serve on a state agency board that is subject to state Senate confirmation. The assuming office date is the date Maria's nomination is submitted to the Senate. Maria must report investments, interests in real property, and business positions she holds on that date, and income (including loans, gifts, and travel payments) received during the 12 months prior to that date.

If your office or position has been added to a newly adopted or newly amended conflict of interest code, use the effective date of the code or amendment, whichever is applicable.

- Report: Investments, interests in real property, and business positions held on the effective date of the code or amendment must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the effective date of the code or amendment.

Annual Statement:

Generally, the period covered is January 1, 2021, through December 31, 2021. If the period covered by the statement is different than January 1, 2021, through December 31, 2021, (for example, you assumed office between October 1, 2020, and December 31, 2020 or you are combining statements), you must specify the period covered.

- Investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the statement must be reported. Do not change the preprinted dates on Schedules A-1, A-2, and B unless you are required to report the acquisition or disposition of an interest that did not occur in 2021.

- If your disclosure category changes during a reporting period, disclose under the old category until the effective date of the conflict of interest code amendment and disclose under the new disclosure category through the end of the reporting period.

Leaving Office Statement:

Generally, the period covered is January 1, 2021, through the date you stopped performing the duties of your position. If the period covered differs from January 1, 2021, through the date you stopped performing the duties of your position (for example, you assumed office between October 1, 2020, and December 31, 2020, or you are combining statements), the period covered must be specified. The reporting period can cover parts of two calendar years.

- Report: Investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the statement. Do not change the preprinted dates on Schedules A-1, A-2, and B unless you are required to report the acquisition or disposition of an interest that did not occur in 2021.

Candidate Statement:

If you are filing a statement in connection with your candidacy for state or local office, investments, interests in real property, and business positions held on the date of filing your declaration of candidacy must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the date of filing your declaration of candidacy is reportable. Do not change the preprinted dates on Schedules A-1, A-2, and B.

Candidates running for local elective offices (e.g., county sheriffs, city clerks, school board trustees, or water district board members) must file candidate statements, as required by the conflict of interest code for the elected position. The code may be obtained from the agency of the elected position.

Amendments:

If you discover errors or omissions on any statement, file an amendment as soon as possible. You are only required to amend the schedule that needs to be revised; it is not necessary to refile the entire form. Obtain amendment schedules from the FPPC website at www.fppc.ca.gov.

Note: Once you file your statement, you may not withdraw it. All changes must be noted on amendment schedules.

Expanded Statement:

If you hold multiple positions subject to reporting requirements, you may be able to file an expanded statement for each position, rather than a separate and distinct statement for each position. The expanded statement must cover all reportable interests for all jurisdictions and list all positions for which it is filed. The rules and processes governing the filing of an expanded statement are set forth in Regulation 18723.1

**STATEMENT OF ECONOMIC INTERESTS
COVER PAGE**
A PUBLIC DOCUMENT

Please type or print in ink.

NAME OF FILER (LAST) (FIRST) (MIDDLE)

1. Office, Agency, or Court

Agency Name *(Do not use acronyms)*

Division, Board, Department, District, if applicable Your Position

► If filing for multiple positions, list below or on an attachment. *(Do not use acronyms)*

Agency: Position:

2. Jurisdiction of Office *(Check at least one box)*

State Judge, Retired Judge, Pro Tem Judge, or Court Commissioner
(Statewide Jurisdiction)

Multi-County County of

City of Other

3. Type of Statement *(Check at least one box)*

Annual: The period covered is January 1, 2021, through
December 31, 2021.

-or- The period covered is ____/____/____, through
December 31, 2021.

Assuming Office: Date assumed ____/____/____

Candidate: Date of Election ____ and office sought, if different than Part 1: ____

Leaving Office: Date Left ____/____/____
(Check one circle.)

The period covered is January 1, 2021, through the date of
leaving office.

-or- The period covered is ____/____/____, through
the date of leaving office.

4. Schedule Summary (must complete) ► Total number of pages including this cover page: _____

Schedules attached

Schedule A-1 - Investments – schedule attached

Schedule A-2 - Investments – schedule attached

Schedule B - Real Property – schedule attached

Schedule C - Income, Loans, & Business Positions – schedule attached

Schedule D - Income – Gifts – schedule attached

Schedule E - Income – Gifts – Travel Payments – schedule attached

-or- None - No reportable interests on any schedule

5. Verification

MAILING ADDRESS STREET CITY STATE ZIP CODE
(Business or Agency Address Recommended - Public Document)

DAYTIME TELEPHONE NUMBER EMAIL ADDRESS
()

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed _____
(month, day, year)

Signature _____
(File the originally signed paper statement with your filing official.)

Instructions Cover Page

Enter your name, mailing address, and daytime telephone number in the spaces provided. **Because the Form 700 is a public document, you may list your business/office address instead of your home address.**

Part 1. Office, Agency, or Court

- Enter the name of the office sought or held, or the agency or court. Consultants must enter the public agency name rather than their private firm's name. (Examples: State Assembly; Board of Supervisors; Office of the Mayor; Department of Finance; Hope County Superior Court).
- Indicate the name of your division, board, or district, if applicable. (Examples: Division of Waste Management; Board of Accountancy; District 45). **Do not use acronyms.**
- Enter your position title. (Examples: Director; Chief Counsel; City Council Member; Staff Services Analyst).
- If you hold multiple positions (i.e., a city council member who also is a member of a county board or commission) you may be required to file separate and distinct statements with each agency. To simplify your filing obligations, in some cases you may instead complete a single expanded statement and file it with each agency.
 - The rules and processes governing the filing of an expanded statement are set forth in Regulation 18723.1. To file an expanded statement for multiple positions, enter the name of each agency with which you are required to file and your position title with each agency in the space provided. **Do not use acronyms.** Attach an additional sheet if necessary. Complete one statement disclosing all reportable interests for all jurisdictions. Then file the expanded statement with each agency as directed by Regulation 18723.1(c).

If you assume or leave a position after a filing deadline, you must complete a separate statement. For example, a city council member who assumes a position with a county special district after the April annual filing deadline must file a separate assuming office statement. In subsequent years, the city council member may expand their annual filing to include both positions.

Example:

Brian Bourne is a city council member for the City of Lincoln and a board member for the Camp Far West Irrigation District – a multi-county agency that covers the Counties of Placer and Yuba. The City is located within Placer County. Brian may complete one expanded statement to disclose all reportable interests for both offices and list both positions on the Cover Page. Brian will file the expanded statement with each the City and the District as directed by Regulation 18723.1(c).

Part 2. Jurisdiction of Office

- Check the box indicating the jurisdiction of your agency and, if applicable, identify the jurisdiction. Judges, judicial candidates, and court commissioners have statewide jurisdiction. All other filers should review the Reference Pamphlet, page 13, to determine their jurisdiction.
- If your agency is a multi-county office, list each county in which your agency has jurisdiction.

- If your agency is not a state office, court, county office, city office, or multi-county office (e.g., school districts, special districts and JPAs), check the “other” box and enter the county or city in which the agency has jurisdiction.

Example:

This filer is a member of a water district board with jurisdiction in portions of Yuba and Sutter Counties.

| | |
|---|---|
| 1. Office, Agency, or Court | |
| Agency Name (Do not use acronyms) | |
| Feather River Irrigation District | |
| Division, Board, Department, District, if applicable | Your Position |
| N/A | Board Member |
| ▶ If filing for multiple positions, list below or on an attachment. (Do not use acronyms) | |
| Agency: N/A | Position: |
| 2. Jurisdiction of Office (Check at least one box) | |
| <input type="checkbox"/> State | <input type="checkbox"/> Judge or Court Commissioner (Statewide Jurisdiction) |
| <input checked="" type="checkbox"/> Multi-County Yuba & Sutter Counties | <input type="checkbox"/> County of _____ |
| <input type="checkbox"/> City of _____ | <input type="checkbox"/> Other _____ |

Part 3. Type of Statement

Check at least one box. The period covered by a statement is determined by the type of statement you are filing. If you are completing a 2021 annual statement, **do not** change the pre-printed dates to reflect 2022. Your annual statement is used for reporting the **previous year's** economic interests. Economic interests for your annual filing covering January 1, 2022, through December 31, 2022, will be disclosed on your statement filed in 2023. See Reference Pamphlet, page 4.

Combining Statements: Certain types of statements for the same position may be combined. For example, if you leave office after January 1, but before the deadline for filing your annual statement, you may combine your annual and leaving office statements. File by the earliest deadline. Consult your filing officer or the FPPC.

Part 4. Schedule Summary

- Complete the Schedule Summary after you have reviewed each schedule to determine if you have reportable interests.
- Enter the total number of completed pages including the cover page and either check the box for each schedule you use to disclose interests; **or** if you have nothing to disclose on any schedule, check the “No reportable interests” box. Please **do not** attach any blank schedules.

Part 5. Verification

Complete the verification by signing the statement and entering the date signed. Each statement must have an original “wet” signature unless filed with a secure electronic signature. (See page 3 above.) All statements must be signed under penalty of perjury and be verified by the filer pursuant to Government Code Section 81004. See Regulation 18723.1(c) for filing instructions for copies of expanded statements.

When you sign your statement, you are stating, under penalty of perjury, that it is true and correct. Only the filer has authority to sign the statement. An unsigned statement is not considered filed and you may be subject to late filing penalties.

SCHEDULE A-1

Investments

Stocks, Bonds, and Other Interests

(Ownership Interest is Less Than 10%)

Investments must be itemized.

Do not attach brokerage or financial statements.

Name

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE

| | |
|-------------------------|----------------------|
| \$2,000 - \$10,000 | \$10,001 - \$100,000 |
| \$100,001 - \$1,000,000 | Over \$1,000,000 |

NATURE OF INVESTMENT

Stock Other _____ (Describe)

Partnership Income Received of \$0 - \$499
Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:

_____/_____/21 ____/_____/21
ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE

| | |
|-------------------------|----------------------|
| \$2,000 - \$10,000 | \$10,001 - \$100,000 |
| \$100,001 - \$1,000,000 | Over \$1,000,000 |

NATURE OF INVESTMENT

Stock Other _____ (Describe)

Partnership Income Received of \$0 - \$499
Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:

_____/_____/21 ____/_____/21
ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE

| | |
|-------------------------|----------------------|
| \$2,000 - \$10,000 | \$10,001 - \$100,000 |
| \$100,001 - \$1,000,000 | Over \$1,000,000 |

NATURE OF INVESTMENT

Stock Other _____ (Describe)

Partnership Income Received of \$0 - \$499
Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:

_____/_____/21 ____/_____/21
ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE

| | |
|-------------------------|----------------------|
| \$2,000 - \$10,000 | \$10,001 - \$100,000 |
| \$100,001 - \$1,000,000 | Over \$1,000,000 |

NATURE OF INVESTMENT

Stock Other _____ (Describe)

Partnership Income Received of \$0 - \$499
Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:

_____/_____/21 ____/_____/21
ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE

| | |
|-------------------------|----------------------|
| \$2,000 - \$10,000 | \$10,001 - \$100,000 |
| \$100,001 - \$1,000,000 | Over \$1,000,000 |

NATURE OF INVESTMENT

Stock Other _____ (Describe)

Partnership Income Received of \$0 - \$499
Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:

_____/_____/21 ____/_____/21
ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE

| | |
|-------------------------|----------------------|
| \$2,000 - \$10,000 | \$10,001 - \$100,000 |
| \$100,001 - \$1,000,000 | Over \$1,000,000 |

NATURE OF INVESTMENT

Stock Other _____ (Describe)

Partnership Income Received of \$0 - \$499
Income Received of \$500 or More (Report on Schedule C)

IF APPLICABLE, LIST DATE:

_____/_____/21 ____/_____/21
ACQUIRED DISPOSED

Comments: _____

Instructions – Schedules A-1 and A-2 Investments

“Investment” means a financial interest in any business entity (including a consulting business or other independent contracting business) that is located in, doing business in, planning to do business in, or that has done business during the previous two years in your agency’s jurisdiction in which you, your spouse or registered domestic partner, or your dependent children had a direct, indirect, or beneficial interest totaling \$2,000 or more at any time during the reporting period. (See Reference Pamphlet, page 13.)

Reportable investments include:

- Stocks, bonds, warrants, and options, including those held in margin or brokerage accounts and managed investment funds (See Reference Pamphlet, page 13.)
- Sole proprietorships
- Your own business or your spouse’s or registered domestic partner’s business (See Reference Pamphlet, page 8, for the definition of “business entity.”)
- Your spouse’s or registered domestic partner’s investments even if they are legally separate property
- Partnerships (e.g., a law firm or family farm)
- Investments in reportable business entities held in a retirement account (See Reference Pamphlet, page 15.)
- If you, your spouse or registered domestic partner, and dependent children together had a 10% or greater ownership interest in a business entity or trust (including a living trust), you must disclose investments held by the business entity or trust. (See Reference Pamphlet, page 16, for more information on disclosing trusts.)
- Business trusts

You are not required to disclose:

- Government bonds, diversified mutual funds, certain funds similar to diversified mutual funds (such as exchange traded funds) and investments held in certain retirement accounts. (See Reference Pamphlet, page 13.) (Regulation 18237)
- Bank accounts, savings accounts, money market accounts and certificates of deposits
- Insurance policies
- Annuities
- Commodities
- Shares in a credit union
- Government bonds (including municipal bonds)

Reminders

- Do you know your agency’s jurisdiction?
- Did you hold investments at any time during the period covered by this statement?
- Code filers – your disclosure categories may only require disclosure of specific investments.

- Retirement accounts invested in non-reportable interests (e.g., insurance policies, mutual funds, or government bonds) (See Reference Pamphlet, page 15.)
- Government defined-benefit pension plans (such as CalPERS and CalSTRS plans)
- Certain interests held in a blind trust (See Reference Pamphlet, page 16.)

Use Schedule A-1 to report ownership of less than 10% (e.g., stock). Schedule C (Income) may also be required if the investment is not a stock or corporate bond. (See second example below.)

Use Schedule A-2 to report ownership of 10% or greater (e.g., a sole proprietorship).

To Complete Schedule A-1:

Do not attach brokerage or financial statements.

- Disclose the name of the business entity.
- Provide a general description of the business activity of the entity (e.g., pharmaceuticals, computers, automobile manufacturing, or communications).
- Check the box indicating the highest fair market value of your investment during the reporting period. If you are filing a candidate or an assuming office statement, indicate the fair market value on the filing date or the date you took office, respectively. (See page 20 for more information.)
- Identify the nature of your investment (e.g., stocks, warrants, options, or bonds).
- An acquired or disposed of date is only required if you initially acquired or entirely disposed of the investment interest during the reporting period. The date of a stock dividend reinvestment or partial disposal is not required. Generally, these dates will not apply if you are filing a candidate or an assuming office statement.

Examples:

Frank Byrd holds a state agency position. His conflict of interest code requires full disclosure of investments. Frank must disclose his stock holdings of \$2,000 or more in any company that is located in or does business in California, as well as those stocks held by his spouse or registered domestic partner and dependent children.

Alice Lance is a city council member. She has a 4% interest, worth \$5,000, in a limited partnership located in the city. Alice must disclose the partnership on Schedule A-1 and income of \$500 or more received from the partnership on Schedule C.

SCHEDULE A-2

Investments, Income, and Assets of Business Entities/Trusts

(Ownership Interest is 10% or Greater)

CALIFORNIA FORM 700

FAIR POLITICAL PRACTICES COMMISSION

Name _____

▶ 1. BUSINESS ENTITY OR TRUST

Name _____

Address (Business Address Acceptable) _____

Check one
 Trust, go to 2 Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF THIS BUSINESS

| | |
|-------------------------|--------------------------------|
| FAIR MARKET VALUE | IF APPLICABLE, LIST DATE: |
| \$0 - \$1,999 | ____/____/21 ____/____/21 |
| \$2,000 - \$10,000 | ACQUIRED DISPOSED |
| \$10,001 - \$100,000 | |
| \$100,001 - \$1,000,000 | |
| Over \$1,000,000 | |

NATURE OF INVESTMENT
 Partnership Sole Proprietorship _____ Other

YOUR BUSINESS POSITION _____

▶ 1. BUSINESS ENTITY OR TRUST

Name _____

Address (Business Address Acceptable) _____

Check one
 Trust, go to 2 Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF THIS BUSINESS

| | |
|-------------------------|--------------------------------|
| FAIR MARKET VALUE | IF APPLICABLE, LIST DATE: |
| \$0 - \$1,999 | ____/____/21 ____/____/21 |
| \$2,000 - \$10,000 | ACQUIRED DISPOSED |
| \$10,001 - \$100,000 | |
| \$100,001 - \$1,000,000 | |
| Over \$1,000,000 | |

NATURE OF INVESTMENT
 Partnership Sole Proprietorship _____ Other

YOUR BUSINESS POSITION _____

▶ 2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)

| | |
|--------------------|----------------------|
| \$0 - \$499 | \$10,001 - \$100,000 |
| \$500 - \$1,000 | OVER \$100,000 |
| \$1,001 - \$10,000 | |

▶ 2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)

| | |
|--------------------|----------------------|
| \$0 - \$499 | \$10,001 - \$100,000 |
| \$500 - \$1,000 | OVER \$100,000 |
| \$1,001 - \$10,000 | |

▶ 3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE (Attach a separate sheet if necessary.)

None or Names listed below _____

▶ 3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE (Attach a separate sheet if necessary.)

None or Names listed below _____

▶ 4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD OR LEASED BY THE BUSINESS ENTITY OR TRUST

Check one box:
 INVESTMENT REAL PROPERTY

Name of Business Entity, if Investment, or Assessor's Parcel Number or Street Address of Real Property _____

Description of Business Activity or City or Other Precise Location of Real Property _____

| | |
|-------------------------|--------------------------------|
| FAIR MARKET VALUE | IF APPLICABLE, LIST DATE: |
| \$2,000 - \$10,000 | ____/____/21 ____/____/21 |
| \$10,001 - \$100,000 | ACQUIRED DISPOSED |
| \$100,001 - \$1,000,000 | |
| Over \$1,000,000 | |

NATURE OF INTEREST
 Property Ownership/Deed of Trust Stock Partnership

Leasehold _____ Other _____
Yrs. remaining

Check box if additional schedules reporting investments or real property are attached

▶ 4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD OR LEASED BY THE BUSINESS ENTITY OR TRUST

Check one box:
 INVESTMENT REAL PROPERTY

Name of Business Entity, if Investment, or Assessor's Parcel Number or Street Address of Real Property _____

Description of Business Activity or City or Other Precise Location of Real Property _____

| | |
|-------------------------|--------------------------------|
| FAIR MARKET VALUE | IF APPLICABLE, LIST DATE: |
| \$2,000 - \$10,000 | ____/____/21 ____/____/21 |
| \$10,001 - \$100,000 | ACQUIRED DISPOSED |
| \$100,001 - \$1,000,000 | |
| Over \$1,000,000 | |

NATURE OF INTEREST
 Property Ownership/Deed of Trust Stock Partnership

Leasehold _____ Other _____
Yrs. remaining

Check box if additional schedules reporting investments or real property are attached

Comments: _____

Instructions – Schedule A-2

Investments, Income, and Assets of Business Entities/Trusts

Use Schedule A-2 to report investments in a business entity (including a consulting business or other independent contracting business) or trust (including a living trust) in which you, your spouse or registered domestic partner, and your dependent children, together or separately, had a 10% or greater interest, totaling \$2,000 or more, during the reporting period and which is located in, doing business in, planning to do business in, or which has done business during the previous two years in your agency's jurisdiction. (See Reference Pamphlet, page 13.) A trust located outside your agency's jurisdiction is reportable if it holds assets that are located in or doing business in the jurisdiction. Do not report a trust that contains non-reportable interests. For example, a trust containing only your personal residence not used in whole or in part as a business, your savings account, and some municipal bonds, is not reportable.

Also report on Schedule A-2 investments and real property held by that entity or trust if your pro rata share of the investment or real property interest was \$2,000 or more during the reporting period.

To Complete Schedule A-2:

Part 1. Disclose the name and address of the business entity or trust. If you are reporting an interest in a business entity, check "Business Entity" and complete the box as follows:

- Provide a general description of the business activity of the entity.
- Check the box indicating the highest fair market value of your investment during the reporting period.
- If you initially acquired or entirely disposed of this interest during the reporting period, enter the date acquired or disposed.
- Identify the nature of your investment.
- Disclose the job title or business position you held with the entity, if any (i.e., if you were a director, officer, partner, trustee, employee, or held any position of management). A business position held by your spouse is not reportable.

Part 2. Check the box indicating **your pro rata** share of the **gross** income received **by** the business entity or trust. This amount includes your pro rata share of the **gross** income **from** the business entity or trust, as well as your community property interest in your spouse's or registered domestic partner's share. Gross income is the total amount of income before deducting expenses, losses, or taxes.

Part 3. Disclose the name of each source of income that is located in, doing business in, planning to do business in, or that has done business during the previous two years in your agency's jurisdiction, as follows:

- Disclose each source of income and outstanding loan **to the business entity or trust** identified in Part 1 if your pro rata share of the **gross** income (including your community property interest in your spouse's or registered domestic partner's share) to the business entity or trust from that source was \$10,000 or more during the reporting period. (See Reference Pamphlet, page 11, for examples.) Income from governmental sources may be reportable if not considered salary. See Regulation 18232. Loans from commercial lending institutions made in the lender's regular course of business on terms available to members of the public without regard to your official status are not reportable.
- Disclose each individual or entity that was a source of commission income of \$10,000 or more during the reporting period through the business entity identified in Part 1. (See Reference Pamphlet, page 8.)

You may be required to disclose sources of income located outside your jurisdiction. For example, you may have a client who resides outside your jurisdiction who does business on a regular basis with you. Such a client, if a reportable source of \$10,000 or more, must be disclosed.

Mark "None" if you do not have any reportable \$10,000 sources of income to disclose. Phrases such as "various clients" or "not disclosing sources pursuant to attorney-client privilege" are not adequate disclosure. (See Reference Pamphlet, page 14, for information on procedures to request an exemption from disclosing privileged information.)

Part 4. Report any investments or interests in real property held or leased **by the entity or trust** identified in Part 1 if your pro rata share of the interest held was \$2,000 or more during the reporting period. Attach additional schedules or use FPPC's Form 700 Excel spreadsheet if needed.

- Check the applicable box identifying the interest held as real property or an investment.
- If investment, provide the name and description of the business entity.
- If real property, report the precise location (e.g., an assessor's parcel number or address).
- Check the box indicating the highest fair market value of your interest in the real property or investment during the reporting period. (Report the fair market value of the portion of your residence claimed as a tax deduction if you are utilizing your residence for business purposes.)
- Identify the nature of your interest.
- Enter the date acquired or disposed only if you initially acquired or entirely disposed of your interest in the property or investment during the reporting period.

SCHEDULE B
Interests in Real Property
 (Including Rental Income)

Name _____

▶ ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS _____

CITY _____

FAIR MARKET VALUE IF APPLICABLE, LIST DATE:

| | | |
|-------------------------|--------------|--------------|
| \$2,000 - \$10,000 | | |
| \$10,001 - \$100,000 | ____/____/21 | ____/____/21 |
| \$100,001 - \$1,000,000 | ACQUIRED | DISPOSED |
| Over \$1,000,000 | | |

NATURE OF INTEREST

| | |
|-------------------------|----------|
| Ownership/Deed of Trust | Easement |
| Leasehold _____ | _____ |
| Yrs. remaining | Other |

IF RENTAL PROPERTY, GROSS INCOME RECEIVED

| | | |
|----------------------|-----------------|--------------------|
| \$0 - \$499 | \$500 - \$1,000 | \$1,001 - \$10,000 |
| \$10,001 - \$100,000 | OVER \$100,000 | |

SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more.

None

▶ ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS _____

CITY _____

FAIR MARKET VALUE IF APPLICABLE, LIST DATE:

| | | |
|-------------------------|--------------|--------------|
| \$2,000 - \$10,000 | | |
| \$10,001 - \$100,000 | ____/____/21 | ____/____/21 |
| \$100,001 - \$1,000,000 | ACQUIRED | DISPOSED |
| Over \$1,000,000 | | |

NATURE OF INTEREST

| | |
|-------------------------|----------|
| Ownership/Deed of Trust | Easement |
| Leasehold _____ | _____ |
| Yrs. remaining | Other |

IF RENTAL PROPERTY, GROSS INCOME RECEIVED

| | | |
|----------------------|-----------------|--------------------|
| \$0 - \$499 | \$500 - \$1,000 | \$1,001 - \$10,000 |
| \$10,001 - \$100,000 | OVER \$100,000 | |

SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more.

None

* You are not required to report loans from a commercial lending institution made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER* _____

ADDRESS (Business Address Acceptable) _____

BUSINESS ACTIVITY, IF ANY, OF LENDER _____

INTEREST RATE TERM (Months/Years)

| | | |
|--------|------|-------|
| _____% | None | _____ |
|--------|------|-------|

HIGHEST BALANCE DURING REPORTING PERIOD

| | |
|----------------------|--------------------|
| \$500 - \$1,000 | \$1,001 - \$10,000 |
| \$10,001 - \$100,000 | OVER \$100,000 |

Guarantor, if applicable _____

NAME OF LENDER* _____

ADDRESS (Business Address Acceptable) _____

BUSINESS ACTIVITY, IF ANY, OF LENDER _____

INTEREST RATE TERM (Months/Years)

| | | |
|--------|------|-------|
| _____% | None | _____ |
|--------|------|-------|

HIGHEST BALANCE DURING REPORTING PERIOD

| | |
|----------------------|--------------------|
| \$500 - \$1,000 | \$1,001 - \$10,000 |
| \$10,001 - \$100,000 | OVER \$100,000 |

Guarantor, if applicable _____

Comments: _____

Instructions – Schedule B Interests in Real Property

Report interests in real property located in your agency's jurisdiction in which you, your spouse or registered domestic partner, or your dependent children had a direct, indirect, or beneficial interest totaling \$2,000 or more any time during the reporting period. Real property is also considered to be "within the jurisdiction" of a local government agency if the property or any part of it is located within two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency. (See Reference Pamphlet, page 13.)

Interests in real property include:

- An ownership interest (including a beneficial ownership interest)
- A deed of trust, easement, or option to acquire property
- A leasehold interest (See Reference Pamphlet, page 14.)
- A mining lease
- An interest in real property held in a retirement account (See Reference Pamphlet, page 15.)
- An interest in real property held by a business entity or trust in which you, your spouse or registered domestic partner, and your dependent children together had a 10% or greater ownership interest (Report on Schedule A-2.)
- Your spouse's or registered domestic partner's interests in real property that are legally held separately by him or her

You are **not** required to report:

- A residence, such as a home or vacation cabin, used exclusively as a personal residence (However, a residence in which you rent out a room or for which you claim a business deduction may be reportable. If reportable, report the fair market value of the portion claimed as a tax deduction.)
- Some interests in real property held through a blind trust (See Reference Pamphlet, page 16.)
 - **Please note:** A non-reportable property can still be grounds for a conflict of interest and may be disqualifying.

To Complete Schedule B:

- Report the precise location (e.g., an assessor's parcel number or address) of the real property.
- Check the box indicating the fair market value of your interest in the property (regardless of what you owe on the property).
- Enter the date acquired or disposed only if you initially acquired or entirely disposed of your interest in the property during the reporting period.
- Identify the nature of your interest. If it is a leasehold,

Reminders

- Income and loans already reported on Schedule B are not also required to be reported on Schedule C.
- Real property already reported on Schedule A-2, Part 4 is not also required to be reported on Schedule B.
- Code filers – do your disclosure categories require disclosure of real property?

disclose the number of years remaining on the lease.

- If you received rental income, check the box indicating the gross amount you received.
- If you had a 10% or greater interest in real property and received rental income, list the name of the source(s) if your pro rata share of the gross income from any single tenant was \$10,000 or more during the reporting period. If you received a total of \$10,000 or more from two or more tenants acting in concert (in most cases, this will apply to married couples), disclose the name of each tenant. Otherwise, mark "None."
- Loans from a private lender that total \$500 or more and are secured by real property may be reportable. **Loans from commercial lending institutions made in the lender's regular course of business on terms available to members of the public without regard to your official status are not reportable.**

When reporting a loan:

- Provide the name and address of the lender.
- Describe the lender's business activity.
- Disclose the interest rate and term of the loan. For variable interest rate loans, disclose the conditions of the loan (e.g., Prime + 2) or the average interest rate paid during the reporting period. The term of a loan is the total number of months or years given for repayment of the loan at the time the loan was established.
- Check the box indicating the highest balance of the loan during the reporting period.
- Identify a guarantor, if applicable.

If you have more than one reportable loan on a single piece of real property, report the additional loan(s) on Schedule C.

Example:

Allison Gande is a city planning commissioner. During the reporting period, she received rental income of \$12,000, from a single tenant who rented property she owned in the city's jurisdiction. If Allison received \$6,000 each from two tenants, the tenants' names would not be required because no single tenant paid her \$10,000 or more. A married couple is considered a single tenant.

| | |
|---|---|
| ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS 4600 24th Street | |
| CITY Sacramento | |
| FAIR MARKET VALUE <input type="checkbox"/> \$2,000 - \$10,000 <input type="checkbox"/> \$10,001 - \$100,000 <input checked="" type="checkbox"/> \$100,001 - \$1,000,000 <input type="checkbox"/> Over \$1,000,000 | IF APPLICABLE, LIST DATE: ACQUIRED _____ DISPOSED _____ / / XX / / XX |
| NATURE OF INTEREST <input type="checkbox"/> Ownership/Deed of Trust <input type="checkbox"/> Easement <input type="checkbox"/> Leasehold _____ Yrs. remaining _____ Other _____ | |
| IF RENTAL PROPERTY, GROSS INCOME RECEIVED <input type="checkbox"/> \$0 - \$499 <input type="checkbox"/> \$500 - \$1,000 <input type="checkbox"/> \$1,001 - \$10,000 <input checked="" type="checkbox"/> \$10,001 - \$100,000 <input type="checkbox"/> OVER \$100,000 | |
| SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more. <input type="checkbox"/> None Henry Wells | |
| NAME OF LENDER* Sophia Petroillo | |
| ADDRESS (Business Address Acceptable) 2121 Blue Sky Parkway, Sacramento | |
| BUSINESS ACTIVITY, IF ANY, OF LENDER Restaurant Owner | |
| INTEREST RATE 8 % <input type="checkbox"/> None | TERM (Months/Years) 15 Years |
| HIGHEST BALANCE DURING REPORTING PERIOD <input type="checkbox"/> \$500 - \$1,000 <input type="checkbox"/> \$1,001 - \$10,000 <input checked="" type="checkbox"/> \$10,001 - \$100,000 <input type="checkbox"/> OVER \$100,000 | |
| <input type="checkbox"/> Guarantor, if applicable | |
| Comments: _____ | |

SCHEDULE C
Income, Loans, & Business
Positions
 (Other than Gifts and Travel Payments)

CALIFORNIA FORM 700
 FAIR POLITICAL PRACTICES COMMISSION

Name _____

| ▶ 1. INCOME RECEIVED | | ▶ 1. INCOME RECEIVED | |
|--|---|--|---|
| NAME OF SOURCE OF INCOME _____ | | NAME OF SOURCE OF INCOME _____ | |
| ADDRESS (Business Address Acceptable) _____ | | ADDRESS (Business Address Acceptable) _____ | |
| BUSINESS ACTIVITY, IF ANY, OF SOURCE _____ | | BUSINESS ACTIVITY, IF ANY, OF SOURCE _____ | |
| YOUR BUSINESS POSITION _____ | | YOUR BUSINESS POSITION _____ | |
| GROSS INCOME RECEIVED | No Income - Business Position Only | GROSS INCOME RECEIVED | No Income - Business Position Only |
| \$500 - \$1,000 | \$1,001 - \$10,000 | \$500 - \$1,000 | \$1,001 - \$10,000 |
| \$10,001 - \$100,000 | OVER \$100,000 | \$10,001 - \$100,000 | OVER \$100,000 |
| CONSIDERATION FOR WHICH INCOME WAS RECEIVED | | CONSIDERATION FOR WHICH INCOME WAS RECEIVED | |
| Salary | Spouse's or registered domestic partner's income (For self-employed use Schedule A-2.) | Salary | Spouse's or registered domestic partner's income (For self-employed use Schedule A-2.) |
| Partnership (Less than 10% ownership. For 10% or greater use Schedule A-2.) _____ | | Partnership (Less than 10% ownership. For 10% or greater use Schedule A-2.) _____ | |
| Sale of _____ | (Real property, car, boat, etc.) | Sale of _____ | (Real property, car, boat, etc.) |
| Loan repayment _____ | | Loan repayment _____ | |
| Commission or _____ | Rental Income, list each source of \$10,000 or more (Describe) | Commission or _____ | Rental Income, list each source of \$10,000 or more (Describe) |
| Other _____ (Describe) | | Other _____ (Describe) | |

▶ 2. LOANS RECEIVED OR OUTSTANDING DURING THE REPORTING PERIOD

* You are not required to report loans from a commercial lending institution, or any indebtedness created as part of a retail installment or credit card transaction, made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

| | | |
|--|---------------------------|------------------------------|
| NAME OF LENDER* _____ | INTEREST RATE _____ % | TERM (Months/Years) _____ |
| ADDRESS (Business Address Acceptable) _____ | None | _____ |
| BUSINESS ACTIVITY, IF ANY, OF LENDER _____ | SECURITY FOR LOAN | |
| HIGHEST BALANCE DURING REPORTING PERIOD | None | Personal residence |
| \$500 - \$1,000 | Real Property _____ | |
| \$1,001 - \$10,000 | Street address _____ | |
| \$10,001 - \$100,000 | City _____ | |
| OVER \$100,000 | Guarantor _____ | |
| | Other _____ (Describe) | |

Comments: _____

Instructions – Schedule C

Income, Loans, & Business Positions

(Income Other Than Gifts and Travel Payments)

Reporting Income:

Report the source and amount of gross income of \$500 or more you received during the reporting period. Gross income is the total amount of income before deducting expenses, losses, or taxes and includes loans other than loans from a commercial lending institution. (See Reference Pamphlet, page 11.) You must also report the source of income to your spouse or registered domestic partner if your community property share was \$500 or more during the reporting period.

The source and income must be reported only if the source is located in, doing business in, planning to do business in, or has done business during the previous two years in your agency's jurisdiction. (See Reference Pamphlet, page 13.) Reportable sources of income may be further limited by your disclosure category located in your agency's conflict of interest code.

Reporting Business Positions:

You must report your job title with each reportable business entity even if you received no income during the reporting period. Use the comments section to indicate that no income was received.

Commonly reportable income and loans include:

- Salary/wages, per diem, and reimbursement for expenses including travel payments provided by your employer
- Community property interest (50%) in your spouse's or registered domestic partner's income - **report the employer's name and all other required information**
- Income from investment interests, such as partnerships, reported on Schedule A-1
- Commission income not required to be reported on Schedule A-2 (See Reference Pamphlet, page 8.)
- Gross income from any sale, including the sale of a house or car (Report your pro rata share of the total sale price.)
- Rental income not required to be reported on Schedule B
- Prizes or awards not disclosed as gifts
- Payments received on loans you made to others
- An honorarium received prior to becoming a public official (See Reference Pamphlet, page 10.)
- Incentive compensation (See Reference Pamphlet, page 12.)

Reminders

- Code filers – your disclosure categories may not require disclosure of all sources of income.
- If you or your spouse or registered domestic partner are self-employed, report the business entity on Schedule A-2.
- Do not disclose on Schedule C income, loans, or business positions already reported on Schedules A-2 or B.

You are not required to report:

- Salary, reimbursement for expenses or per diem, or social security, disability, or other similar benefit payments received by you or your spouse or registered domestic partner from a federal, state, or local government agency.
- Stock dividends and income from the sale of stock unless the source can be identified.
- Income from a PERS retirement account.

(See Reference Pamphlet, page 12.)

To Complete Schedule C:

Part 1. Income Received/Business Position Disclosure

- Disclose the name and address of each source of income or each business entity with which you held a business position.
- Provide a general description of the business activity if the source is a business entity.
- Check the box indicating the amount of gross income received.
- Identify the consideration for which the income was received.
- For income from commission sales, check the box indicating the gross income received and list the name of each source of commission income of \$10,000 or more. (See Reference Pamphlet, page 8.) **Note: If you receive commission income on a regular basis or have an ownership interest of 10% or more, you must disclose the business entity and the income on Schedule A-2.**
- Disclose the job title or business position, if any, that you held with the business entity, even if you did not receive income during the reporting period.

Part 2. Loans Received or Outstanding During the Reporting Period

- Provide the name and address of the lender.
- Provide a general description of the business activity if the lender is a business entity.
- Check the box indicating the highest balance of the loan during the reporting period.
- Disclose the interest rate and the term of the loan.
 - For variable interest rate loans, disclose the conditions of the loan (e.g., Prime + 2) or the average interest rate paid during the reporting period.
 - The term of the loan is the total number of months or years given for repayment of the loan at the time the loan was entered into.
- Identify the security, if any, for the loan.

SCHEDULE D
Income – Gifts

Name _____

▶ NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

| DATE (mm/dd/yy) | VALUE | DESCRIPTION OF GIFT(S) |
|-----------------|----------|------------------------|
| ___/___/___ | \$ _____ | _____ |
| ___/___/___ | \$ _____ | _____ |
| ___/___/___ | \$ _____ | _____ |

▶ NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

| DATE (mm/dd/yy) | VALUE | DESCRIPTION OF GIFT(S) |
|-----------------|----------|------------------------|
| ___/___/___ | \$ _____ | _____ |
| ___/___/___ | \$ _____ | _____ |
| ___/___/___ | \$ _____ | _____ |

▶ NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

| DATE (mm/dd/yy) | VALUE | DESCRIPTION OF GIFT(S) |
|-----------------|----------|------------------------|
| ___/___/___ | \$ _____ | _____ |
| ___/___/___ | \$ _____ | _____ |
| ___/___/___ | \$ _____ | _____ |

▶ NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

| DATE (mm/dd/yy) | VALUE | DESCRIPTION OF GIFT(S) |
|-----------------|----------|------------------------|
| ___/___/___ | \$ _____ | _____ |
| ___/___/___ | \$ _____ | _____ |
| ___/___/___ | \$ _____ | _____ |

▶ NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

| DATE (mm/dd/yy) | VALUE | DESCRIPTION OF GIFT(S) |
|-----------------|----------|------------------------|
| ___/___/___ | \$ _____ | _____ |
| ___/___/___ | \$ _____ | _____ |
| ___/___/___ | \$ _____ | _____ |

▶ NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

| DATE (mm/dd/yy) | VALUE | DESCRIPTION OF GIFT(S) |
|-----------------|----------|------------------------|
| ___/___/___ | \$ _____ | _____ |
| ___/___/___ | \$ _____ | _____ |
| ___/___/___ | \$ _____ | _____ |

Comments: _____

Instructions – Schedule D Income – Gifts

A gift is anything of value for which you have not provided equal or greater consideration to the donor. A gift is reportable if its fair market value is \$50 or more. In addition, multiple gifts totaling \$50 or more received during the reporting period from a single source must be reported.

It is the acceptance of a gift, not the ultimate use to which it is put, that imposes your reporting obligation. Except as noted below, you must report a gift even if you never used it or if you gave it away to another person.

If the exact amount of a gift is unknown, you must make a good faith estimate of the item's fair market value. Listing the value of a gift as "over \$50" or "value unknown" is not adequate disclosure. In addition, if you received a gift through an intermediary, you must disclose the name, address, and business activity of both the donor and the intermediary. You may indicate an intermediary either in the "source" field after the name or in the "comments" section at the bottom of Schedule D.

Commonly reportable gifts include:

- Tickets/passes to sporting or entertainment events
- Tickets/passes to amusement parks
- Parking passes not used for official agency business
- Food, beverages, and accommodations, including those provided in direct connection with your attendance at a convention, conference, meeting, social event, meal, or like gathering
- Rebates/discounts not made in the regular course of business to members of the public without regard to official status
- Wedding gifts (See Reference Pamphlet, page 16)
- An honorarium received prior to assuming office (You may report an honorarium as income on Schedule C, rather than as a gift on Schedule D, if you provided services of equal or greater value than the payment received. See Reference Pamphlet, page 10.)
- Transportation and lodging (See Schedule E.)
- Forgiveness of a loan received by you

Reminders

- Gifts from a single source are subject to a \$520 limit in 2021. (See Reference Pamphlet, page 10.)
- Code filers – you only need to report gifts from reportable sources.

Gift Tracking Mobile Application

- FPPC has created a gift tracking app for mobile devices that helps filers track gifts and provides a quick and easy way to upload the information to the Form 700. Visit FPPC's website to download the app.

You are not required to disclose:

- Gifts that were not used and that, within 30 days after receipt, were returned to the donor or delivered to a charitable organization or government agency without being claimed by you as a charitable contribution for tax purposes
- Gifts from your spouse or registered domestic partner, child, parent, grandparent, grandchild, brother, sister, and certain other family members (See Regulation 18942 for a complete list.). The exception does not apply if the donor was acting as an agent or intermediary for a reportable source who was the true donor.
- Gifts of similar value exchanged between you and an individual, other than a lobbyist registered to lobby your state agency, on holidays, birthdays, or similar occasions
- Gifts of informational material provided to assist you in the performance of your official duties (e.g., books, pamphlets, reports, calendars, periodicals, or educational seminars)
- A monetary bequest or inheritance (However, inherited investments or real property may be reportable on other schedules.)
- Personalized plaques or trophies with an individual value of less than \$250
- Campaign contributions
- Up to two tickets, for your own use, to attend a fundraiser for a campaign committee or candidate, or to a fundraiser for an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code. The ticket must be received from the organization or committee holding the fundraiser.
- Gifts given to members of your immediate family if the source has an established relationship with the family member and there is no evidence to suggest the donor had a purpose to influence you. (See Regulation 18943.)
- Free admission, food, and nominal items (such as a pen, pencil, mouse pad, note pad or similar item) available to all attendees, at the event at which the official makes a speech (as defined in Regulation 18950(b)(2)), so long as the admission is provided by the person who organizes the event.
- Any other payment not identified above, that would otherwise meet the definition of gift, where the payment is made by an individual who is not a lobbyist registered to lobby the official's state agency, where it is clear that the gift was made because of an existing personal or business relationship unrelated to the official's position and there is no evidence whatsoever at the time the gift is made to suggest the donor had a purpose to influence you.

To Complete Schedule D:

- Disclose the full name (not an acronym), address, and, if a business entity, the business activity of the source.
- Provide the date (month, day, and year) of receipt, and disclose the fair market value and description of the gift.

SCHEDULE E
Income – Gifts
Travel Payments, Advances,
and Reimbursements

Name _____

- Mark either the gift or income box.
- Mark the “501(c)(3)” box for a travel payment received from a nonprofit 501(c)(3) organization or the “Speech” box if you made a speech or participated in a panel. Per Government Code Section 89506, these payments may not be subject to the gift limit. However, they may result in a disqualifying conflict of interest.
- For gifts of travel, provide the travel destination.

▶ NAME OF SOURCE *(Not an Acronym)* _____

ADDRESS *(Business Address Acceptable)* _____

CITY AND STATE _____

501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

DATE(S): ____/____/____ - ____/____/____ AMT: \$ _____
(If gift)

▶ MUST CHECK ONE: Gift **-or-** Income

 Made a Speech/Participated in a Panel _____

 Other - Provide Description _____

▶ If Gift, Provide Travel Destination _____

▶ NAME OF SOURCE *(Not an Acronym)* _____

ADDRESS *(Business Address Acceptable)* _____

CITY AND STATE _____

501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

DATE(S): ____/____/____ - ____/____/____ AMT: \$ _____
(If gift)

▶ MUST CHECK ONE: Gift **-or-** Income

 Made a Speech/Participated in a Panel _____

 Other - Provide Description _____

▶ If Gift, Provide Travel Destination _____

▶ NAME OF SOURCE *(Not an Acronym)* _____

ADDRESS *(Business Address Acceptable)* _____

CITY AND STATE _____

501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

DATE(S): ____/____/____ - ____/____/____ AMT: \$ _____
(If gift)

▶ MUST CHECK ONE: Gift **-or-** Income

 Made a Speech/Participated in a Panel _____

 Other - Provide Description _____

▶ If Gift, Provide Travel Destination _____

▶ NAME OF SOURCE *(Not an Acronym)* _____

ADDRESS *(Business Address Acceptable)* _____

CITY AND STATE _____

501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

DATE(S): ____/____/____ - ____/____/____ AMT: \$ _____
(If gift)

▶ MUST CHECK ONE: Gift **-or-** Income

 Made a Speech/Participated in a Panel _____

 Other - Provide Description _____

▶ If Gift, Provide Travel Destination _____

Comments: _____

Instructions – Schedule E Travel Payments, Advances, and Reimbursements

Travel payments reportable on Schedule E include advances and reimbursements for travel and related expenses, including lodging and meals.

Gifts of travel may be subject to the gift limit. In addition, certain travel payments are reportable gifts, but are not subject to the gift limit. To avoid possible misinterpretation or the perception that you have received a gift in excess of the gift limit, you may wish to provide a specific description of the purpose of your travel. (See the FPPC fact sheet entitled "Limitations and Restrictions on Gifts, Honoraria, Travel, and Loans" to read about travel payments under section 89506(a).)

You are not required to disclose:

- Travel payments received from any state, local, or federal government agency for which you provided services equal or greater in value than the payments received, such as reimbursement for travel on agency business from your government agency employer.
- A payment for travel from another local, state, or federal government agency and related per diem expenses when the travel is for education, training or other inter-agency programs or purposes.
- Travel payments received from your employer in the normal course of your employment that are included in the income reported on Schedule C.
- A travel payment that was received from a nonprofit entity exempt from taxation under Internal Revenue Code Section 501(c)(3) for which you provided equal or greater consideration, such as reimbursement for travel on business for a 501(c)(3) organization for which you are a board member.

Note: Certain travel payments may not be reportable if reported via email on Form 801 by your agency.

To Complete Schedule E:

- Disclose the full name (not an acronym) and address of the source of the travel payment.
- Identify the business activity if the source is a business entity.
- Check the box to identify the payment as a gift or income, report the amount, and disclose the date(s).
 - **Travel payments are gifts** if you did not provide services that were equal to or greater in value than the payments received. You must disclose gifts totaling \$500 or more from a single source during the period covered by the statement.

When reporting travel payments that are gifts, you must provide a description of the gift, the **date(s)** received, and the **travel destination**.

- **Travel payments are income** if you provided services that were equal to or greater in value than the

payments received. You must disclose income totaling \$500 or more from a single source during the period covered by the statement. You have the burden of proving the payments are income rather than gifts. When reporting travel payments as income, you must describe the services you provided in exchange for the payment. You are not required to disclose the date(s) for travel payments that are income.

Example:

City council member MaryClaire Chandler is the chair of a 501(c)(6) trade association, and the association pays for her travel to attend its meetings. Because MaryClaire is deemed to be providing equal or greater consideration for the travel payment by virtue of serving on the board, this payment may be reported as income. Payments for MaryClaire to attend other events for which she is not providing services are likely considered gifts. Note that the same payment from a 501(c)(3) would NOT be reportable.

| | |
|--|-------------------------------|
| <small>▶ NAME OF SOURCE (Not an Acronym)</small> | |
| Health Services Trade Association | |
| <small>ADDRESS (Business Address Acceptable)</small> | |
| 1230 K Street, Suite 610 | |
| <small>CITY AND STATE</small> | |
| Sacramento, CA | |
| <input type="checkbox"/> 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE | |
| Association of Healthcare Workers | |
| <small>DATE(S):</small> ____/____/____ | <small>AMT: \$</small> 550.00 |
| <small>(If gift)</small> | |
| <small>▶ MUST CHECK ONE:</small> <input type="checkbox"/> Gift <input checked="" type="checkbox"/> -or- <input checked="" type="checkbox"/> Income | |
| <input type="radio"/> Made a Speech/Participated in a Panel | |
| <input checked="" type="radio"/> Other - Provide Description <u>Travel reimbursement for board meeting.</u> | |
| <small>▶ If Gift, Provide Travel Destination</small> _____ | |

Example:

Mayor Kim travels to China on a trip organized by China Silicon Valley Business Development, a California nonprofit, 501(c)(6) organization. The Chengdu Municipal People's Government pays for Mayor Kim's airfare and travel costs, as well as his meals and lodging during the trip. The trip's agenda shows that the trip's purpose is to promote job creation and economic activity in China and in Silicon Valley, so the trip is reasonably related to a governmental purpose. Thus, Mayor Kim must report the gift of travel, but the gift is exempt from the gift limit. In this case, the travel payments are not subject to the gift limit because the source is a foreign government and because the travel is reasonably related to a governmental purpose. (Section 89506(a)(2).) Note that Mayor Kim could be disqualified from participating in or making decisions about The Chengdu Municipal People's Government for 12 months. Also note that if China Silicon Valley Business Development (a 501(c)(6) organization) paid for the travel costs rather than the governmental organization, the payments would be subject to the gift limits. (See the FPPC fact sheet, Limitations and Restrictions on Gifts, Honoraria, Travel and Loans, at www.fppc.ca.gov.)

| | |
|--|--|
| <small>▶ NAME OF SOURCE (Not an Acronym)</small> | |
| Chengdu Municipal People's Government | |
| <small>ADDRESS (Business Address Acceptable)</small> | |
| 2 Caoshi St. CaoShiJie, Qingyang Qu, Chengdu Shi, | |
| <small>CITY AND STATE</small> | |
| Sichuan Sheng, China, 610000 | |
| <input type="checkbox"/> 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE | |
| <small>DATE(S):</small> 09 / 04 / XX | 09 / 08 / XX <small>AMT: \$</small> 3,874.38 |
| <small>(If gift)</small> | |
| <small>▶ MUST CHECK ONE:</small> <input checked="" type="checkbox"/> Gift <input checked="" type="checkbox"/> -or- <input type="checkbox"/> Income | |
| <input type="radio"/> Made a Speech/Participated in a Panel | |
| <input checked="" type="radio"/> Other - Provide Description <u>Travel reimbursement for trip to China.</u> | |
| <small>▶ If Gift, Provide Travel Destination</small> <u>Sichuan Sheng, China</u> | |

Restrictions and Prohibitions

The Political Reform Act (Gov. Code Sections 81000-91014) requires most state and local government officials and employees to publicly disclose their economic interests including personal assets and income. The Act's conflict of interest provisions also disqualify a public official from taking part in a governmental decision if it is reasonably foreseeable that the decision will have a material financial effect on these economic interests as well as the official's personal finances and those of immediate family. (Gov. Code Sections 87100 and 87103.) The Fair Political Practices Commission (FPPC) is the state agency responsible for issuing the attached Statement of Economic Interests, Form 700, and for interpreting the Act's provisions.

Gift Prohibition

Gifts received by most state and local officials, employees, and candidates are subject to a limit. In 2021-2022, the gift limit increased to \$520 from a single source during a calendar year. In 2019 and 2020, the gift limit was \$500 from a single source during a calendar year.

Additionally, state officials, state candidates, and certain state employees are subject to a \$10 limit per calendar month on gifts from lobbyists and lobbying firms registered with the Secretary of State. See Reference Pamphlet, page 10.

State and local officials and employees should check with their agency to determine if other restrictions apply.

Disqualification

Public officials are, under certain circumstances, required to disqualify themselves from making, participating in, or attempting to influence governmental decisions that will affect their economic interests. This may include interests they are not required to disclose. For example, a personal residence is often not reportable, but may be grounds for disqualification. Specific disqualification requirements apply to 87200 filers (e.g., city councilmembers, members of boards of supervisors, planning commissioners, etc.). These officials must publicly identify the economic interest that creates a conflict of interest and leave the room before a discussion or vote takes place at a public meeting. For more information, consult Government Code Section 87105, Regulation 18707, and the Guide to Recognizing Conflicts of Interest page at www.fppc.ca.gov.

Honorarium Ban

Most state and local officials, employees, and candidates are prohibited from accepting an honorarium for any speech given, article published, or attendance at a conference, convention, meeting, or like gathering. (See Reference Pamphlet, page 10.)

Loan Restrictions

Certain state and local officials are subject to restrictions on loans. (See Reference Pamphlet, page 14.)

Post-Governmental Employment

There are restrictions on representing clients or employers before former agencies. The provisions apply to elected state officials, most state employees, local elected officials, county chief administrative officers, city managers, including the chief administrator of a city, and general managers or chief administrators of local special districts and JPAs. The FPPC website has fact sheets explaining the provisions.

Late Filing

The filing officer who retains originally-signed or electronically filed statements of economic interests may impose on an individual a fine for any statement that is filed late. The fine is \$10 per day up to a maximum of \$100. Late filing penalties may be reduced or waived under certain circumstances.

Persons who fail to timely file their Form 700 may be referred to the FPPC's Enforcement Division (and, in some cases, to the Attorney General or district attorney) for investigation and possible prosecution. In addition to the late filing penalties, a fine of up to \$5,000 per violation may be imposed.

For assistance concerning reporting, prohibitions, and restrictions under the Act:

- Email questions to advice@fppc.ca.gov.
- Call the FPPC toll-free at (866) 275-3772.

Form 700 is a Public Document Public Access Must Be Provided

Statements of Economic Interests are public documents. The filing officer must permit any member of the public to inspect and receive a copy of any statement.

- Statements must be available as soon as possible during the agency's regular business hours, but in any event not later than the second business day after the statement is received. Access to the Form 700 is not subject to the Public Records Act procedures.
- No conditions may be placed on persons seeking access to the forms.
- No information or identification may be required from persons seeking access.
- Reproduction fees of no more than 10 cents per page may be charged.

Questions and Answers

General

- Q. What is the reporting period for disclosing interests on an assuming office statement or a candidate statement?
- A. On an assuming office statement, disclose all reportable investments, interests in real property, and business positions held on the date you assumed office. In addition, you must disclose income (including loans, gifts and travel payments) received during the 12 months prior to the date you assumed office.

On a candidate statement, disclose all reportable investments, interests in real property, and business positions held on the date you file your declaration of candidacy. You must also disclose income (including loans, gifts and travel payments) received during the 12 months prior to the date you file your declaration of candidacy.

- Q. I hold two other board positions in addition to my position with the county. Must I file three statements of economic interests?
- A. Yes, three are required. However, you may instead complete an expanded statement listing the county and the two boards on the Cover Page or an attachment as the agencies for which you will be filing. Disclose all reportable economic interests in all three jurisdictions on the expanded statement. File the expanded statement for your primary position providing an original “wet” signature unless filed with a secure electronic signature. (See page 3 above.) File copies of the expanded statement with the other two agencies as required by Regulation 18723.1(c). Remember to complete separate statements for positions that you leave or assume during the year.
- Q. I am a department head who recently began acting as city manager. Should I file as the city manager?
- A. Yes. File an assuming office statement as city manager. Persons serving as “acting,” “interim,” or “alternate” must file as if they hold the position because they are or may be performing the duties of the position.

- Q. My spouse and I are currently separated and in the process of obtaining a divorce. Must I still report my spouse’s income, investments, and interests in real property?
- A. Yes. A public official must continue to report a spouse’s economic interests until such time as dissolution of marriage proceedings is final. However, if a separate property agreement has been reached prior to that time, your estranged spouse’s income may not have to be reported. Contact the FPPC for more information.
- Q. As a designated employee, I left one state agency to work for another state agency. Must I file a leaving office statement?
- A. Yes. You may also need to file an assuming office statement for the new agency.

Investment Disclosure

- Q. I have an investment interest in shares of stock in a company that does not have an office in my jurisdiction. Must I still disclose my investment interest in this company?
- A. Probably. The definition of “doing business in the jurisdiction” is not limited to whether the business has an office or physical location in your jurisdiction. (See Reference Pamphlet, page 13.)
- Q. My spouse and I have a living trust. The trust holds rental property in my jurisdiction, our primary residence, and investments in diversified mutual funds. I have full disclosure. How is this trust disclosed?
- A. Disclose the name of the trust, the rental property and its income on Schedule A-2. Your primary residence and investments in diversified mutual funds registered with the SEC are not reportable.
- Q. I am required to report all investments. I have an IRA that contains stocks through an account managed by a brokerage firm. Must I disclose these stocks even though they are held in an IRA and I did not decide which stocks to purchase?
- A. Yes. Disclose on Schedule A-1 or A-2 any stock worth \$2,000 or more in a business entity located in or doing business in your jurisdiction.

Questions and Answers Continued

- Q. The value of my stock changed during the reporting period. How do I report the value of the stock?
- A. You are required to report the highest value that the stock reached during the reporting period. You may use your monthly statements to determine the highest value. You may also use the entity's website to determine the highest value. You are encouraged to keep a record of where you found the reported value. Note that for an assuming office statement, you must report the value of the stock on the date you assumed office.
- Q. I am the sole owner of my business, an S-Corporation. I believe that the nature of the business is such that it cannot be said to have any "fair market value" because it has no assets. I operate the corporation under an agreement with a large insurance company. My contract does not have resale value because of its nature as a personal services contract. Must I report the fair market value for my business on Schedule A-2 of the Form 700?
- A. Yes. Even if there are no *tangible* assets, intangible assets, such as relationships with companies and clients are commonly sold to qualified professionals. The "fair market value" is often quantified for other purposes, such as marital dissolutions or estate planning. In addition, the IRS presumes that "personal services corporations" have a fair market value. A professional "book of business" and the associated goodwill that generates income are not without a determinable value. The Form 700 does not require a precise fair market value; it is only necessary to check a box indicating the broad range within which the value falls.
- Q. I own stock in IBM and must report this investment on Schedule A-1. I initially purchased this stock in the early 1990s; however, I am constantly buying and selling shares. Must I note these dates in the "Acquired" and "Disposed" fields?
- A. No. You must only report dates in the "Acquired" or "Disposed" fields when, during the reporting period, you initially purchase a reportable investment worth \$2,000 or more or when you dispose of the entire investment. You are not required to track the partial trading of an investment.
- Q. On last year's filing I reported stock in Encoe valued at \$2,000 - \$10,000. Late last year the value of this stock fell below and remains at less than \$2,000. How should this be reported on this year's statement?
- A. You are not required to report an investment if the value was less than \$2,000 during the **entire** reporting period. However, because a disposed date is not required for stocks that fall below \$2,000, you may want to report the stock and note in the "comments" section that the value fell below \$2,000. This would be for informational purposes only; it is not a requirement.
- Q. We have a Section 529 account set up to save money for our son's college education. Is this reportable?
- A. If the Section 529 account contains reportable interests (e.g., common stock valued at \$2,000 or more), those interests are reportable (not the actual Section 529 account). If the account contains solely mutual funds, then nothing is reported.

Income Disclosure

- Q. I reported a business entity on Schedule A-2. Clients of my business are located in several states. Must I report all clients from whom my pro rata share of income is \$10,000 or more on Schedule A-2, Part 3?
- A. No, only the clients located in or doing business on a regular basis in your jurisdiction must be disclosed.
- Q. I believe I am not required to disclose the names of clients from whom my pro rata share of income is \$10,000 or more on Schedule A-2 because of their right to privacy. Is there an exception for reporting clients' names?
- A. Regulation 18740 provides a procedure for requesting an exemption to allow a client's name not to be disclosed if disclosure of the name would violate a legally recognized privilege under California or Federal law. This regulation may be obtained from our website at www.fppc.ca.gov. (See Reference Pamphlet, page 14.)

Questions and Answers Continued

Q. I am sole owner of a private law practice that is not reportable based on my limited disclosure category. However, some of the sources of income to my law practice are from reportable sources. Do I have to disclose this income?

A. Yes, even though the law practice is not reportable, reportable sources of income to the law practice of \$10,000 or more must be disclosed. This information would be disclosed on Schedule C with a note in the "comments" section indicating that the business entity is not a reportable investment. The note would be for informational purposes only; it is not a requirement.

Q. I am the sole owner of my business. Where do I disclose my income - on Schedule A-2 or Schedule C?

A. Sources of income to a business in which you have an ownership interest of 10% or greater are disclosed on Schedule A-2. (See Reference Pamphlet, page 8.)

Q. My husband is a partner in a four-person firm where all of his business is based on his own billings and collections from various clients. How do I report my community property interest in this business and the income generated in this manner?

A. If your husband's investment in the firm is 10% or greater, disclose 100% of his share of the business on Schedule A-2, Part 1 and 50% of his income on Schedule A-2, Parts 2 and 3. For example, a client of your husband's must be a source of at least \$20,000 during the reporting period before the client's name is reported.

Q. How do I disclose my spouse's or registered domestic partner's salary?

A. Report the name of the employer as a source of income on Schedule C.

Q. I am a doctor. For purposes of reporting \$10,000 sources of income on Schedule A-2, Part 3, are the patients or their insurance carriers considered sources of income?

A. If your patients exercise sufficient control by selecting you instead of other doctors, then your patients, rather than their insurance carriers, are sources of income to you. (See Reference Pamphlet, page 14.)

Q. I received a loan from my grandfather to purchase my home. Is this loan reportable?

A. No. Loans received from family members are not reportable.

Q. Many years ago, I loaned my parents several thousand dollars, which they paid back this year. Do I need to report this loan repayment on my Form 700?

A. No. Payments received on a loan made to a family member are not reportable.

Real Property Disclosure

Q. During this reporting period we switched our principal place of residence into a rental. I have full disclosure and the property is located in my agency's jurisdiction, so it is now reportable. Because I have not reported this property before, do I need to show an "acquired" date?

A. No, you are not required to show an "acquired" date because you previously owned the property. However, you may want to note in the "comments" section that the property was not previously reported because it was used exclusively as your residence. This would be for informational purposes only; it is not a requirement.

Q. I am a city manager, and I own a rental property located in an adjacent city, but one mile from the city limit. Do I need to report this property interest?

A. Yes. You are required to report this property because it is located within 2 miles of the boundaries of the city you manage.

Q. Must I report a home that I own as a personal residence for my daughter?

A. You are not required to disclose a home used as a personal residence for a family member unless you receive income from it, such as rental income.

Q. I am a co-signer on a loan for a rental property owned by a friend. Since I am listed on the deed of trust, do I need to report my friend's property as an interest in real property on my Form 700?

A. No. Simply being a co-signer on a loan for property does not create a reportable interest in that real property.

Questions and Answers Continued

Gift Disclosure

- Q. If I received a reportable gift of two tickets to a concert valued at \$100 each, but gave the tickets to a friend because I could not attend the concert, do I have any reporting obligations?
- A. Yes. Since you accepted the gift and exercised discretion and control of the use of the tickets, you must disclose the gift on Schedule D.
- Q. Julia and Jared Benson, a married couple, want to give a piece of artwork to a county supervisor. Is each spouse considered a separate source for purposes of the gift limit and disclosure?
- A. Yes, each spouse may make a gift valued at the gift limit during a calendar year. For example, during 2021 the gift limit was \$520, so the Bensons may have given the supervisor artwork valued at no more than \$1,040. The supervisor must identify Jared and Julia Benson as the sources of the gift.
- Q. I am a Form 700 filer with full disclosure. Our agency holds a holiday raffle to raise funds for a local charity. I bought \$10 worth of raffle tickets and won a gift basket valued at \$120. The gift basket was donated by Doug Brewer, a citizen in our city. At the same event, I bought raffle tickets for, and won a quilt valued at \$70. The quilt was donated by a coworker. Are these reportable gifts?
- A. Because the gift basket was donated by an outside source (not an agency employee), you have received a reportable gift valued at \$110 (the value of the basket less the consideration paid). The source of the gift is Doug Brewer and the agency is disclosed as the intermediary. Because the quilt was donated by an employee of your agency, it is not a reportable gift.
- Q. My agency is responsible for disbursing grants. An applicant (501(c)(3) organization) met with agency employees to present its application. At this meeting, the applicant provided food and beverages. Would the food and beverages be considered gifts to the employees? These employees are designated in our agency's conflict of interest code and the applicant is a reportable source of income under the code.
- A. Yes. If the value of the food and beverages consumed by any one filer, plus any other gifts received from the same source during the reporting period total \$50 or more, the food and beverages would be reported using the fair market value and would be subject to the gift limit.
- Q. I received free admission to an educational conference related to my official duties. Part of the conference fees included a round of golf. Is the value of the golf considered informational material?
- A. No. The value of personal benefits, such as golf, attendance at a concert, or sporting event, are gifts subject to reporting and limits.



City of Santa Ana
City Council Handbook

Form 801

Fair Political Practices Commission

Payment to Agency Report

A Public Document

PAYMENT TO AGENCY REPORT

| | | | |
|---|-------|---|---|
| 1. Agency Name | | Date Stamp | California Form 801 For Official Use Only |
| Division, Department, or Region (if applicable) | | | |
| Street Address | | | |
| Area Code/Phone Number | Email | <input type="checkbox"/> Amendment (explain in comment section) Date of Original Filing: _____ (month, day, year) | |
| Agency Contact (name and title) | | | |

2. Donor Name and Address

Individual _____ Last Name First Name Other _____ Name

Address _____ City _____ State _____ Zip Code _____

If "Other" is marked, describe the entity's business activity (if business) or its nature and interests.

➔ If applicable, identify the name of each source and the amount(s) received by the donor for this payment:

_____ \$ _____ Name _____ \$ _____ Amount

3. Payment Information (Complete Sections 3.1 (a or b), 3.2, 3.3)

3.1 (a) Travel Payment

_____ Location of Travel _____ Dates (month, day, year) _____

_____ Rail Air Bus Auto Other _____ Name of Lodging Facility _____

_____ Check Applicable Boxes _____

\$ _____ \$ _____ \$ _____ \$ _____ \$ _____

Lodging Expenses Meal Expenses Transportation Expenses Other Expenses Total Expenses

3.1 (b) Payment(s) not related to travel:

_____ \$ _____

Dates (month, day, year) Total Expenses

3.2. Payment Description. Provide a specific description of the payment and its agency purpose and use.

3.3. Identify the officials who used the payment in Section 3.1 (See instructions)

| | | | |
|-----------------|------------------|----------------------|---------------------------|
| _____ Last Name | _____ First Name | _____ Position/Title | _____ Department/Division |
| _____ Last Name | _____ First Name | _____ Position/Title | _____ Department/Division |

4. Verification

I authorized the acceptance of the reported payment(s) as in compliance with FPPC regulations.

_____ Signature _____ Print Name _____ Title _____ (month, day, year)

Comment:

(Use this space or an attachment for any additional information)



Payment to Agency Report Instructions

A Public Document

This form is used to report certain payments received by state and local government agencies. It includes:

- a payment for an official's travel expenses for the purpose of facilitating the public's business in lieu of a payment using agency funds; and
- a payment that would otherwise be considered a gift or income to the benefiting official, but is instead accepted on behalf of the agency.

FPPC Regulations 18944 and 18950.1 provide a procedure that state and local agencies may use to disclose payments used for agency purposes and paid by a third party. The regulations' reporting procedures provide an alternative means to disclose a payment that may otherwise be considered income or a gift to a benefitting employee and subject to reporting on a Statement of Economic Interest, Form 700.

When and Where to File

An agency accepting a payment pursuant to Regulation 18944 and 18950.1 must complete Form 801 for each payment received regardless of the amount. The form must be maintained as a public document. If payments aggregate \$2,500 or more in a calendar quarter, website posting is required.

Website Posting:

State Agencies

Within 30 days after the end of a calendar quarter if aggregated reported payments, for travel and non-travel purposes, total \$2,500 or more:

- the agency must post the reports (or a report summary) on the agency website; and
- forward the information to the FPPC which will also post the information.

Local Agencies

The website posting rules differ for travel and non-travel payments.

Travel

Within 30 days after the end of a calendar quarter if aggregated reported payments total \$2,500 or more:

- the agency must post the reports (or a report summary) on the agency website; and
- forward the information to the FPPC.

Payments Not Related to Travel

The agency's filing officer for Statement of Economic Interests, Form 700, must receive the report. Within 30 days after the end of a calendar quarter if aggregated reported payments total \$2,500 or more, the local agency must post the information on the local agency website. A report is not sent to the FPPC unless the agency does not have a website.

Postings must be displayed in a prominent manner and easily accessible. Reports may be posted earlier.

FPPC: Statements should be emailed to form801@fppc.ca.gov. Statements may also be mailed to 1102 Q Street, Suite 3000, Sacramento, CA 95811 or faxed to (916) 322-3711.

Part 1. Agency Identification

List the agency's name and address and the name of an agency contact. Mark the amendment box if changing any information on a previously filed form and include the date of the original filing.

Part 2. Donor Information

Disclose the name and address of the donor. If the donor is not an individual, identify the business activity or nature and interests of the entity.

If the donor received funds from other sources that were used in connection with the payment, disclose the name and payment information for each source.

Part 3. Payment Information

Expenses may be rounded to whole dollars.

Section 3.1.a. Itemize travel payments including departure and return dates. Complete all fields, use "n/a" appropriately. Total the expenses for items such as taxi rides, gratuities, and rental cars in the "other" field and describe in the comments section.

Section 3.1.b. Report agency payments that are not travel related.

Section 3.2. Description

All payments must include a specific description of the use of the payment and the intended purpose for agency business. For example, a travel payment may read: Travel to attend an EPA co-sponsored solar energy seminar in Washington D.C.

Section 3.3. Identify Officials

Travel Payments: The name of the position/title and department of each official who used the payment is required. List the official's name if he/she is an elected or appointed official. It is not required to list the names of other officials, rather insert "n/a." Do not leave blank.

Non-Travel Payments: The name, position/title and department of the agency official who used the payment must be identified. All officials' names are required.

Part 4. Verification

Verification of travel payments must be signed by an authorized agency official. Such individuals are those who have the authority to approve similar travel payments when made with agency funds.

Verification of non-travel payments must be signed by the agency head.



City of Santa Ana
City Council Handbook

Form 802

Fair Political Practices Commission

Agency Report of: Ceremonial Role Events and Ticket/Pass Distributions

A Public Document

1. Agency Name

Date Stamp

California Form **802**

For Official Use Only

Division, Department, or Region (if applicable)

Designated Agency Contact (Name, Title)

Area Code/Phone Number

E-mail

Amendment (Must Provide Explanation in Part 3.)

Date of Original Filing: _____
(month, day, year)

2. Function or Event Information

Does the agency have a ticket policy? Yes No Face Value of Each Ticket/Pass \$ _____

Event Description: _____ Date(s) ____/____/____
Provide Title/Explanation

Ticket(s)/Pass(es) provided by agency? Yes No If no: _____
Name of Source

Was ticket distribution made at the behest of agency official? Yes No If yes: _____
Official's Name (Last, First)

3. Recipients

• Use Section A to identify the agency's department or unit. • Use Section B to identify an individual. • Use Section C to identify an outside organization.

| A. Name of Agency, Department or Unit | Number of Ticket(s)/ Passes | Describe the public purpose made pursuant to the agency's policy |
|---|-----------------------------|--|
| | | |
| | | |
| B. Name of Individual (Last, First) | Number of Ticket(s)/ Passes | Identify one of the following: |
| | | Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i> |
| | | Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i> |
| C. Name of Outside Organization (include address and description) | Number of Ticket(s)/ Passes | Describe the public purpose made pursuant to the agency's policy |
| | | |
| | | |

4. Verification

I have read and understand FPPC Regulations 18944.1 and 18942. I have verified that the distribution set forth above, is in accordance with the requirements.

Signature of Agency Head or Designee

Print Name

Title

(month, day, year)

Comment: _____

This form is for use by all state and local government agencies. The form identifies persons that receive admission tickets and passes and describes the public purpose for the distribution. This form was prepared by the Fair Political Practices Commission (FPPC) and is available at www.fppc.ca.gov.

General Information

FPPC Regulation 18944.1 sets out the circumstances under which an agency's distribution of tickets to entertainment events, sporting events, and like occasions would not result in a gift to individuals that attend the function. In general, the agency must adopt a policy which identifies the public purpose served in distributing the admissions. The Form 802 serves to detail each event and the public purpose of each ticket distribution. FPPC Regulation 18942 lists exceptions to reportable gifts, including ceremonial events, when listed on this form.

When the regulation procedures are followed, persons, organizations, or agencies who receive admissions are listed on a Form 802. Agency officials do not report the admissions on the official's Statement of Economic Interests, Form 700, and the value of the admission is not subject to the gift limit.

The Form 802 also informs the public as to whether the admissions were made at the behest of an agency official and whether the behested tickets were provided to an organization or to specific individuals.

Exception

FPPC This form is not required for admission provided to a school or university district official, coach, athletic director, or employee to attend an amateur event performed by students of that school or university.

Reporting and Public Posting

Ticket Distribution Policies: An agency must post its ticket policy on its website within 30 days of adoption or amendment and e-mail a link of the website location to FPPC at form802@fppc.ca.gov.

Form 802: The use of the ticket or pass under the policy must be reported on Form 802 and posted on the agency's website within 45 days of distribution. A link to the website location of the forms must be e-mailed to FPPC at form802@fppc.ca.gov.

The FPPC will post on its website the link to each agency's policy and completed forms. It is not necessary to send an e-mail each time a new Form 802 is posted. It is only necessary to submit the link if the posting location changes.

This form must be maintained as a public document.

Privacy Information Notice

Information requested by the FPPC is used to administer and enforce the Political Reform Act. Failure to provide information may be a violation subject to administrative, criminal, or civil penalties. All reports are public records available for inspection and reproduction. Direct questions to FPPC's General Counsel.

Instructions

Part 1. Agency Identification:

List the agency's name. Provide a designated agency contact person, their phone number, and e-mail address. Mark the amendment box if changing any information on a previously filed form and include the date of the original filing.

Part 2. Function or Event Information:

Confirm that your agency has a policy for ticket distribution. Unless the ceremonial role or income box in Part 3, Section B, is marked, this form is only applicable if your agency has a policy.

Complete all of the other required fields that identify the ticket value, description of event, date(s) and whether the ticket was provided by the agency or an outside source. If an agency official behests the tickets, the official's name is also required. Use the comment field or an attachment to explain in full.

Part 3. Ticket Recipients:

This part identifies who uses the tickets. The identification requirements vary depending upon who received the tickets and are categorized into three sections. Each section must list the number of tickets received. Use the comment field or an attachment to explain in full.

Section A. Report tickets distributed to agency staff, other than an elected official or governing board member, pursuant to the agency's policy. It is not necessary to list each employee's name, but identify the unit/department for which the employee works. The agency must describe the public purpose associated with the ticket distribution. A reference to the policy is permissible.

Section B. Report: 1) any agency official who performs a ceremonial role; 2) any agency official who reports the value as income; or 3) tickets used by elected officials and governing board members (including those distributed pursuant to the agency's policy).

Section C. Report tickets provided to an organization. The organization's name, an address (website url is permissible), and a brief description of the public purpose are required.

**Agency Report of:
Ceremonial Role Events and Ticket/Pass Distributions
Continuation Sheet**

Agency Name

3. Recipients

• Use Section A to identify the agency's department or unit. • Use Section B to identify an individual. • Use Section C to identify an outside organization.

| A. Name of Agency, Department or Unit | Number of Ticket(s)/ Passes | Describe the public purpose made pursuant to the agency's policy |
|--|-----------------------------|--|
| | | |
| | | |
| | | |
| | | |
| B. Name of Individual (Last, First) | Number of Ticket(s)/ Passes | Identify one of the following: |
| | | Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i> |
| | | Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i> |
| | | Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i> |
| | | Ceremonial Role <input type="checkbox"/> Other <input type="checkbox"/> Income <input type="checkbox"/> <i>If checking "Ceremonial Role" or "Other" describe below:</i> |
| C. Name of Outside Organization (include address and description) | Number of Ticket(s)/ Passes | Describe the public purpose made pursuant to the agency's policy |
| | | |
| | | |
| | | |
| | | |



City of Santa Ana
City Council Handbook

Form 803

Fair Political Practices Commission

Behested Payment Report

A Public Document

Type or Print in Ink.

| | | |
|---|---------------------|----------------------------|
| Amendment of Filing Check box if an Amendment / / _____ (Month, Day, Year) # _____ Confirmation Number | Date Stamp (Agency) | CALIFORNIA FORM 803 |
|---|---------------------|----------------------------|

1. Elected Officer or CPUC Member *(Last name, First name)*

| | | |
|---|-------------------------|------------------------|
| ELECTED OFFICER OR CPUC MEMBER: | AGENCY NAME: | AGENCY STREET ADDRESS: |
| DESIGNATED CONTACT PERSON (NAME AND TITLE): | AREA CODE/PHONE NUMBER: | E-MAIL: |

2. Payor Information *(For additional payors, include an attachment with the names, addresses, and proceeding information)*

| | | | | |
|---|-----------------------------------|---|--------|-----------|
| NAME: | ADDRESS: | CITY: | STATE: | ZIP CODE: |
| Donor Advised Fund (DAF) <i>(see instructions)</i> | DAF NAME: | DONOR(S) AND DONOR'S ADVISOR: (SEE INSTRUCTIONS.) | | |
| Payor is a named party or the subject of a proceeding before my agency. | BRIEF DESCRIPTION OF PROCEEDINGS: | | | |

3. Payee Information *(For additional payees, include an attachment with the names, addresses and relationship information)*

| | | | | |
|---|---------------------------------------|--------------------|--------|-----------|
| NAME: | ADDRESS: | CITY: | STATE: | ZIP CODE: |
| For a nonprofit organization payee , provide a brief description of any relationship to the official, official's immediate family member or staff member in the role of founder, salaried employee, decision-making capacity (board member or executive officer) or position on an honorary or advisory board. | | | | |
| NAME AND TITLE: | ROLE WITH THE NONPROFIT ORGANIZATION: | BRIEF DESCRIPTION: | | |

4. Payment Information *(Complete all information. For estimated payment information check the box below.)*

| DATE (MONTH/DAY/YEAR) | AMOUNT | PAYMENT TYPE | BRIEF DESCRIPTION OF IN-KIND PAYMENT | PURPOSE | DESCRIBE THE LEGISLATIVE, GOVERNMENTAL, CHARITABLE PURPOSE, OR EVENT: |
|--------------------------|--------|--|--------------------------------------|---|---|
| | | MONETARY DONATION IN-KIND GOODS OR SERVICES | | LEGISLATIVE GOVERNMENTAL CHARITABLE | |
| | | MONETARY DONATION IN-KIND GOODS OR SERVICES | | LEGISLATIVE GOVERNMENTAL CHARITABLE | |

The _____ is an estimate and reflects my best efforts at obtaining the accurate information.
(DATE/AMOUNT)

REASON FOR ESTIMATE:

5. Amendment Description and/or Comments *(Provide date of original filing or confirmation number in Part 1.)*

6. Verification

I certify, under penalty of perjury under the laws of the State of California, that to the best of my knowledge, the information contained herein is true and complete.

Executed on _____
DATE

By _____
SIGNATURE

Behested Payment Report

A Public Document

CALIFORNIA
FORM 803

Form 803 is used by elected officers and members of the California Public Utilities Commission (CPUC) to disclose payments made at their behest, principally for legislative, governmental, or charitable purposes. This form was prepared by the Fair Political Practices Commission (FPPC) and is available at www.fppc.ca.gov.

When to File

File Form 803 within 30 days following the date on which the payment(s) meets or exceeds five thousand dollars (\$5,000) in the aggregate from a single source in a calendar year (Gov. Code Section 84224.). Once a single source has made a behested payment of \$5,000 or more during the calendar year, subsequent payments of any amount from that source must be reported. The behesting official must timely request payment information from a payee in order to comply with the reporting requirements. (See the sample request for information, below.)

Amendments: Where estimated payment information is provided, the official must file an amended Form 803 within 10 days of receiving the accurate information.

Where to File

State Officials: The official's **state agency** must receive Form 803 within 30 days of the date of the behested payment is made. Within 30 days after receipt of the report, the state agency must forward a copy to the FPPC at:

1102 Q Street, Suite 3000, Sacramento, CA 95811
Fax: 916-322-0883, E-mail: Form803@fppc.ca.gov.

E-filing Option: State officials may e-file at: [Form 803](#)

Do not forward a hard copy to the FPPC when using e-file or duplicate forms may be recorded.

Local Officials: The official's **local agency** must receive Form 803 within 30 days of the date the behested payment is made. Within 30 days after receipt of the report, the agency must forward a copy to the filing officer who receives the official's original campaign statements. **Local officials do not file with the FPPC.**

General Information: Behested payments are payments made principally for legislative, governmental, or charitable purposes under Government Code Section 82004.5. These payments are not for campaign purposes and any personal benefit may constitute a gift to the official subject to the applicable gift limit.

Generally, a payment is made at the behest if it is requested, solicited, or suggested by the official, or otherwise made to a person in cooperation, consultation, coordination with, or at the consent of, the elected officer or CPUC member (Gov. Code Section 82041.3.). This also includes payments behested by the official's agent or employee on the official's behalf.

Exception: If the behested payment is made by a state, local, or federal government agency and is principally for legislative or governmental purposes, the payment does not have to be reported.

Privacy Information Notice: Information requested by the FPPC is required by and used to administer and enforce the Political Reform Act. Failure to provide information may be a violation subject to administrative, criminal, or civil penalties. All reports and statements are public records available for inspection and reproduction. If you have any question regarding this notice, please contact General Counsel at 1102 Q Street, Suite 3000, Sacramento, CA 95811 or (916) 322-5660.

Instructions

Mark the **amendment box** only if changing information on a previously filed Form 803 and include the date of the original filing or confirmation number.

Part 1 - Identification: Identify the official's name, agency, address, and contact information.

Part 2 - Payor Information: Disclose the name and address of the person making the payment. A business address is acceptable.

For Payments From a Donor Advised Fund (DAF):

Disclose the sponsoring organization's name and address, check the Donor Advised Fund box, disclose the name of the DAF and name of the donor's advisor, if the advisor exercised discretion in making the payment. Where there are multiple donors, the official may list only the donors that exercised advisory privileges over the DAF for the payment.

The official has a duty to report the above information with as much specificity as the official knows or can determine by inquiring with the sponsoring organization. Anonymous DAFs and donors must be disclosed as such. (See Behested Payment Reporting Fact Sheet for additional information.)

For all Payments: Check the box if the payor is a named party or subject of a proceeding, such as one involving a contract, license, permit, other entitlement, or nongeneral legislation before the official's agency at the time of the payment or within 12 months prior and provide a brief description.

Part 3 - Payee Information: Identify the name and address of the person receiving the payment, if applicable. A business address is acceptable.

For a nonprofit organization payee: When the official, official's immediate family member or campaign staff member or officeholder staff member is a founder, salaried employee, in a decision-making capacity (board member or executive officer) or position on an honorary or advisory board in regard to the payee's organization, identify the person's name, title, role, and provide a brief description.

Part 4 - Payment Information: Disclose the payment date and amount. Check one box to identify the type of payment. For donated in-kind goods or services use the fair market value (FMV) and provide a description of the good or service. Identify the charitable, legislative or governmental purpose and provide a specific description of the event or purpose of the payment.

Filing with Estimates Payment Information: To file using estimated information the official must practice reasonable efforts to obtain the required information prior to the reporting deadline. (See sample written request for information, below.) Check the Estimate box, affirm that the estimated (date or amount) reflects the official's best efforts and identify the reason the accurate information is not available. *Filings using estimated payment information must be amended within 10 days of the official receiving the accurate information.*

Part 5: Amendment Description or Comments: Complete this section if amending a previously filed Form 803 or to provide additional information.

Part 6: Verification: Date and sign the form under penalty of perjury.

Sample: Written Request For Information From a Payee

When the official makes a behest for payment, but is otherwise unaware of the reportable payment information, the reporting requirements necessitate that the official request the information from the payee. As a best practice, this request should be sent as soon as the official makes the behest for payment. Sending a written request such as the sample provided below, 30 days prior to the reporting deadline, will constitute a reasonable effort to obtain the payment information when filing with estimated payment or estimated date information. (See Regulation 18424.1(a).)

To: Payee Organization

From: Elected Official

I have agreed to work with your organization in its solicitation for funds related to [name of the fundraising event or fundraising campaign] to be held on [date or range of dates] for the purpose of [state the charitable, legislative or government purpose]. Under the Political Reform Act, payments you receive in response to this solicitation may meet the definition a "behested payment" reportable by an elected official or Public Utilities Commission member within 30 days of the date the payment is made.

So that I may comply with my behested payment reporting requirements, please provide the following for any relevant payments your organization receives in response to the above noted solicitation: the name and address of the payor, payment date, and amount. If the payment is in the form of a donated service or goods, describe the item or service and provide its fair market value.

If the payment date or amount are not known or represent an estimate, note this, and provide information on when final, accurate amounts will be available. Briefly explain the reason for any delay. Please provide me with the accurate information as soon as it is available so I may comply with my reporting requirements under the Political Reform Act.



City of Santa Ana
City Council Handbook

Form 806

Fair Political Practices Commission

Agency Report of: Public Official Appointments

A Public Document

| | | | |
|--|--------|---------------------|---|
| 1. Agency Name | | | California Form 806 For Official Use Only |
| Division, Department, or Region <i>(If Applicable)</i> | | | Date Posted: <i>(Month, Day, Year)</i> |
| Designated Agency Contact <i>(Name, Title)</i> | | | |
| Area Code/Phone Number | E-mail | Page _____ of _____ | |

2. Appointments

| Agency Boards and Commissions | Name of Appointed Person | Appt Date and Length of Term | Per Meeting/Annual Salary/Stipend |
|-------------------------------|---|---|--|
| | ▶ Name _____ <i>(Last, First)</i> Alternate, if any _____ <i>(Last, First)</i> | ▶ _____/_____/_____ <i>Appt Date</i> ▶ _____ <i>Length of Term</i> | ▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i> |
| | ▶ Name _____ <i>(Last, First)</i> Alternate, if any _____ <i>(Last, First)</i> | ▶ _____/_____/_____ <i>Appt Date</i> ▶ _____ <i>Length of Term</i> | ▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i> |
| | ▶ Name _____ <i>(Last, First)</i> Alternate, if any _____ <i>(Last, First)</i> | ▶ _____/_____/_____ <i>Appt Date</i> ▶ _____ <i>Length of Term</i> | ▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i> |
| | ▶ Name _____ <i>(Last, First)</i> Alternate, if any _____ <i>(Last, First)</i> | ▶ _____/_____/_____ <i>Appt Date</i> ▶ _____ <i>Length of Term</i> | ▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i> |

3. Verification

I have read and understand FPPC Regulation 18702.5. I have verified that the appointment and information identified above is true to the best of my information and belief.

Signature of Agency Head or Designee Print Name Title (Month, Day, Year)

Comment: _____

Background

This form is used to report additional compensation that officials receive when appointing themselves to positions on committees, boards, or commissions of another public agency or to a committee or position of the agency of which the public official is a member.

This form is required pursuant to FPPC Regulation 18702.5. Each agency must post on its website a single Form 806 which lists all the paid appointed positions to which an official will vote to appoint themselves. When there is a change in compensation or a new appointment, the Form 806 is updated to reflect the change. The form must be updated promptly as changes occur.

Instructions

This form must be posted prior to a vote (or consent item) to appoint a governing board member if the appointee will participate in the decision and the appointment results in additional compensation to the appointee.

FPPC Regulation 18702.5 provides that as long as the public is informed prior to a vote, an official may vote to hold another position even when the vote results in additional compensation.

Part 1. Agency Identification

Identify the agency name and information on who should be contacted for information.

Part 2. Appointments

Identify the name of the other agency, board or commission. List the name of the official, and an alternate, if any.

List the appointment date and the length of term the agency official will serve. Disclose the stipend provided per meeting and the estimated annual payment. The annual salary is an estimate as it will likely vary depending upon the number of meetings. It is not necessary to revise the estimate at the end of the calendar year.

Part 3. Verification

The agency head or his/her designee must sign the verification.

Frequently Asked Questions (FAQs)

1. When does an agency need to complete the Form 806?
A Form 806 is required when an agency's board members vote to appoint a board member to serve on another governmental agency or position of the agency of which the official is a member and will receive additional compensation.
2. The city council votes to serve as the city's housing authority, a separate entity. Will the Form 806 be required?
If the council members receive additional compensation for serving on the housing authority, the Form 806 is required.

3. Are appointments made by a governing board to appoint one of its members to serve as an officer of that board for additional pay (e.g., mayor) required to be disclosed on Form 806?

No. FPPC Regulation 18702.5(b)(6) exempts from this requirement decisions to fill a position on the body of which the official is a member (such as a councilmember being appointed as mayor) despite an increase in compensation.

4. In determining the income, must the agency include mileage reimbursements, travel payments, health benefits, and other compensation?

No. FPPC Regulation 18702.5 requires only the amount of the stipend or salary to be reported.

5. Which agency must post the Form 806?

The agency that is voting to appoint a public official must post the Form 806 on its website. The agency that the official will serve as a member is not required to post the Form 806. The form is not sent to the FPPC.

6. When must the Form 806 be updated?

The Form 806 should be amended promptly upon any of the following circumstances: (1) the number of scheduled meetings is changed, (2) there is a change in the compensation paid to the members, (3) there is a change in membership on the board or commission, or (4) there is a new appointment to a new agency.

7. If officials choose to recuse themselves from the decision and leave the room when a vote is taken to make an appointment, must the Form 806 be completed?

No. The Form 806 is only required to identify those officials that will vote on an appointment in which the official will also receive additional compensation.

Privacy Information Notice

Information requested by the FPPC is used to administer and enforce the Political Reform Act. Failure to provide information may be a violation subject to penalties. All reports are public records available for inspection and reproduction. Direct questions to FPPC's General Counsel, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, CA 95811.

**Agency Report of:
Public Official Appointments
Continuation Sheet**

1. Agency Name

Date Posted: _____
(Month, Day, Year)

2. Appointments

| Agency Boards and Commissions | Name of Appointed Person | Appt Date and Length of Term | Per Meeting/Annual Salary/Stipend |
|-------------------------------|---|--|--|
| | ▶ Name _____ <i>(Last, First)</i> Alternate, if any _____ <i>(Last, First)</i> | ▶ ____/____/____ <i>Appt Date</i> ▶ _____ <i>Length of Term</i> | ▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i> |
| | ▶ Name _____ <i>(Last, First)</i> Alternate, if any _____ <i>(Last, First)</i> | ▶ ____/____/____ <i>Appt Date</i> ▶ _____ <i>Length of Term</i> | ▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i> |
| | ▶ Name _____ <i>(Last, First)</i> Alternate, if any _____ <i>(Last, First)</i> | ▶ ____/____/____ <i>Appt Date</i> ▶ _____ <i>Length of Term</i> | ▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i> |
| | ▶ Name _____ <i>(Last, First)</i> Alternate, if any _____ <i>(Last, First)</i> | ▶ ____/____/____ <i>Appt Date</i> ▶ _____ <i>Length of Term</i> | ▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i> |
| | ▶ Name _____ <i>(Last, First)</i> Alternate, if any _____ <i>(Last, First)</i> | ▶ ____/____/____ <i>Appt Date</i> ▶ _____ <i>Length of Term</i> | ▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i> |
| | ▶ Name _____ <i>(Last, First)</i> Alternate, if any _____ <i>(Last, First)</i> | ▶ ____/____/____ <i>Appt Date</i> ▶ _____ <i>Length of Term</i> | ▶ Per Meeting: \$ _____ ▶ Estimated Annual: <input type="checkbox"/> \$0-\$1,000 <input type="checkbox"/> \$2,001-\$3,000 <input type="checkbox"/> \$1,001-\$2,000 <input type="checkbox"/> _____ <i>Other</i> |



City of Santa Ana
City Council Handbook

Code of Ethics & Conduct



THE CITY OF SANTA ANA
CODE OF ETHICS AND CONDUCT
ADOPTED JUNE 2, 2008

The people of the City of Santa Ana, at an election held on February 5, 2008, approved an amendment to the City Charter of the City of Santa Ana which states: "The City of Santa Ana shall adopt a Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees to assure public confidence in the integrity of local government elected and appointed officials." Consistent with the vote of the people, the following Code of Ethics and Conduct is hereby adopted by the City of Santa Ana to ensure effective and fair operation of the local government of the City of Santa Ana.

I.

PREAMBLE

It is the intent of this code to achieve fair, ethical, and accountable local government for the City of Santa Ana. The people of Santa Ana expect public officials, both elected and appointed, to comply with both the letter and the spirit of the laws of the State of California, the United States of America, and the Charter, Municipal Code, and established policies of the City of Santa Ana affecting the operations of local government. In addition, public officials are expected to comply with the provisions of this Code of Ethics and Conduct established pursuant to the expressed will of the people. All persons covered by this code will aspire to meet the highest ethical standards in the conduct of their responsibility as an elected or appointed official of the City of Santa Ana.

This code addresses various aspects related to the governance of the City of Santa Ana and supplements, but does not supplant other laws and rules that prescribe the legal responsibilities of City officials. These include, but are not limited to, the Federal and State Constitutions, various provisions of the California Government Code (such as the Brown Act and the Political Reform Act), the Labor Code, laws prohibiting discrimination and harassment, and the City of Santa Ana Charter and Municipal Code. Elected and appointed officials are expected to be familiar with these laws to ensure that they exercise their public responsibilities in a proper fashion. This code is not designed to be used as a tool to remove appointed officials, as the City Council retains the right under the Charter and Municipal Code to remove appointed officials in accordance with those provisions.

While it is not possible to anticipate and provide a rule of conduct and ethics for all situations that public officials may face, this Code of Ethics and Conduct is designed to provide a framework to guide public officials in their daily duties.

II.

SCOPE

The provisions of this Code of Ethics and Conduct shall apply to the Mayor and members of the City Council, and to all members of the boards, commissions, and committees appointed by the City Council or the Mayor or the Mayor and City Council, including any *ad hoc* committees. Further, the provisions of this Code of Ethics and Conduct shall only apply to these officials and members acting in their official capacities and in the discharge of their duties.

III.

CORE VALUES

Attitudes, words, and actions should demonstrate, support, and reflect the following qualities and characteristics for the well being of our community. The five core values and expressions that reflect these core values are as follows:

INTEGRITY/ HONESTY

- I am honest with my fellow elected officials, the public and others.
- I do not promise what I believe to be unrealistic.
- I am prepared to make unpopular decisions when my sense of the public's best interests requires it.
- I credit others' contributions to moving our community's interests forward.
- I do not knowingly use false or inaccurate information to support my position or views.
- I safeguard the ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial and social relationships and transactions that may compromise, or give the appearance of compromising, objectivity, independence, and honesty.

RESPONSIBILITY/PROTECTING THE PUBLIC'S INTERESTS

- I do not accept gifts, services or other special considerations because of my public position.
- I excuse myself from participating in decisions when my or my immediate family's financial interests may be affected by my agency's actions.
- I do not give special treatment or consideration to any individual or group beyond that available to any other individual.
- I refrain from disclosing confidential information concerning litigation, personnel, property, or other affairs of the City, without proper legal authority, nor use such information to advance my financial or other personal interests.

Initial: _____

FAIRNESS/ACCOUNTABILITY

- I promote meaningful public involvement in the agency's decision-making processes.
- I treat all persons, claims and transactions in a fair and equitable manner; I make decisions based on the merits of the issue.
- If I receive substantive information that is relevant to a matter under consideration from sources outside the public decision-making process, I publicly share it with my fellow governing board members and staff.
- I work to contribute to a strong organization that exemplifies transparency and open communication.

RESPECT FOR FELLOW ELECTED OR APPOINTED OFFICIALS, STAFF, AND THE PUBLIC

- I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.
- I work towards consensus building and gain value from diverse opinions.
- I respect the distinction between the role of office holder and staff; I involve staff in meetings with individuals, those with business before the agency, officials from other agencies and legislators to ensure proper staff support and to keep staff informed
- I conduct myself in a courteous and respectful manner at all times during the performance of my official City duties.
- I encourage full participation of all persons and groups; I am aware and observe important celebrations and events which reflect the values of our diverse population.

PROPER AND EFFICIENT USE OF PUBLIC RESOURCES

- I do not use public resources, such as agency staff time, equipment, supplies or facilities, for private gain or personal purposes.
- I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the agency, especially its financial stability.
- I demonstrate concern for the proper use of agency assets (such as personnel, time, property, equipment, funds) and follow established procedures.
- I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the City and its residents.

IV.

IMPLEMENTATION AND ENFORCEMENT

City of Santa Ana elected and appointed officials of the various boards, commissions and committees have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. This code of ethics will be most effective when the elected and appointed officials are thoroughly familiar with it and embrace its provisions.

Upon adoption of this code, all current elected or appointed officials shall be given a copy of the code and asked to affirm in writing that they have received the code, understand its provisions, and pledge to conduct themselves by the code. All new members of the City Council, upon election or reelection, and members of boards, commissions, and committees appointed by the City Council, upon appointment or reappointment, shall be given a copy of the code and are required to affirm in writing they have received the code and understand its provisions, and pledge to conduct themselves by the code. (See Certification) Additionally, all members of the City Council, boards, commissions, and committees, as part of their AB1234 training, shall be provided additional training clarifying the provisions and application of this code. The City Attorney, or his/her designee, shall serve as a resource person to those persons covered by the code to assist them in determination of appropriate actions consistent with the code.

A periodic review of the code shall be conducted to ensure that the code is an effective and vital document.

This Code of Conduct is intended to be a reflection of the community's values as articulated by the Mayor and City Council as they represent the will of the people of the City of Santa Ana.



CITY OF SANTA ANA
CODE OF ETHICS AND CONDUCT
CERTIFICATION

For Official Receipt Date

As an elected or appointed official of the City of Santa Ana, California, I herein certify that I have received a copy of the Code of Ethics and Conduct of the City of Santa Ana, have been offered training and assistance in understanding this code, and am aware of the provisions of the code and its application to my responsibilities. Consistent with the code, I pledge the following in the conduct of my duties:

INTEGRITY/ HONESTY

- I am honest with my fellow elected officials, the public and others.
- I do not promise what I believe to be unrealistic.
- I am prepared to make unpopular decisions when my sense of the public's best interests requires it.
- I credit others' contributions to moving our community's interests forward.
- I do not knowingly use false or inaccurate information to support my position or views.
- I safeguard the ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial and social relationships and transactions that may compromise, or give the appearance of compromising, objectivity, independence, and honesty.

RESPONSIBILITY/PROTECTING THE PUBLIC'S INTERESTS

- I do not accept gifts, services or other special considerations because of my public position.
- I excuse myself from participating in decisions when my or my family's financial interests may be affected by my agency's actions.
- I do not give special treatment or consideration to any individual or group beyond that available to any other individual.
- I refrain from disclosing confidential information concerning litigation, personnel, property, or other affairs of the City, without proper legal authority, nor use such information to advance my financial or other personal interests.

FAIRNESS/ACCOUNTABILITY

- I promote meaningful public involvement in the agency's decision-making processes.
- I treat all persons, claims and transactions in a fair and equitable manner; I make decisions based on the merits of the issue.
- If I receive substantive information that is relevant to a matter under consideration from sources outside the public decision-making process, I publicly share it with my fellow governing board members and staff.
- I work to contribute to a strong organization that exemplifies transparency and open communication.

Initial: _____

RESPECT FOR FELLOW ELECTED OR APPOINTED OFFICIALS, STAFF, AND THE PUBLIC

- I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.
- I work towards consensus building and gain value from diverse opinions.
- I respect the distinction between the role of office holder and staff; I involve staff in meetings with individuals, those with business before the agency, officials from other agencies and legislators to ensure proper staff support and to keep staff informed
- I conduct myself in a courteous and respectful manner at all times during the performance of my official City duties.
- I encourage full participation of all persons and groups; I am aware and observe important celebrations and events which reflect the values of our diverse population.

PROPER AND EFFICIENT USE OF PUBLIC RESOURCES

- I do not use public resources, such as agency staff time, equipment, supplies or facilities, for private gain or personal purposes.
- I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the agency, especially its financial stability.
- I demonstrate concern for the proper use of agency assets (such as personnel, time, property, equipment, funds) and follow established procedures.
- I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the City and its residents.

Print Name: _____
Last First Middle

Signature: _____ **Date:** _____



City of Santa Ana
City Council Handbook

Open & Public V

Ralph M. Brown Act

Open & Public V

A GUIDE TO THE RALPH M. BROWN ACT

REVISED APRIL 2016



AGENDA ITEM

1. PUBLIC COMMENT: The City Council values your comments; however, pursuant to the Brown Act, Council cannot take action on items not listed on the posted agenda. The public comment period is limited to 20 minutes, with 2 minutes allotted for each speaker. This public comment period is to address the City Council on Consent Calendar items, other agenda items (if the member of the public cannot be present at the time the item is considered) or items of genera...

CURRENT SPEAKER: Larry Block

ACKNOWLEDGEMENTS

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Open & Public V

A GUIDE TO THE RALPH M. BROWN ACT

REVISED APRIL 2016

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Chapter 1

IT IS THE PEOPLE’S BUSINESS

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Chapter 1

IT IS THE PEOPLE'S BUSINESS



The right of access

Two key parts of the Brown Act have not changed since its adoption in 1953. One is the Brown Act's initial section, declaring the Legislature's intent:

"In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly."

"The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."¹

The people reconfirmed that intent 50 years later in the November 2004 election by adopting Proposition 59, amending the California Constitution to include a public right of access to government information:

"The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny."²

The Brown Act's other unchanged provision is a single sentence:

"All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter."³

That one sentence is by far the most important of the entire Brown Act. If the opening is the soul, that sentence is the heart of the Brown Act.

Broad coverage

The Brown Act covers members of virtually every type of local government body, elected or appointed, decision-making or advisory. Some types of private organizations are covered, as are newly-elected members of a legislative body, even before they take office.

Similarly, meetings subject to the Brown Act are not limited to face-to-face gatherings. They also include any communication medium or device through which a majority of a legislative body

PRACTICE TIP: The key to the Brown Act is a single sentence. In summary, all meetings shall be **open and public** except when the Brown Act authorizes otherwise.

discusses, deliberates or takes action on an item of business outside of a noticed meeting. They include meetings held from remote locations by teleconference.

New communication technologies present new Brown Act challenges. For example, common email practices of forwarding or replying to messages can easily lead to a serial meeting prohibited by the Brown Act, as can participation by members of a legislative body in an internet chatroom or blog dialogue. Communicating during meetings using electronic technology (such as laptop computers, tablets, or smart phones) may create the perception that private communications are influencing the outcome of decisions; some state legislatures have banned the practice. On the other hand, widespread cablecasting and web streaming of meetings has greatly expanded public access to the decision-making process.

Narrow exemptions

The express purpose of the Brown Act is to assure that local government agencies conduct the public's business openly and publicly. Courts and the California Attorney General usually broadly construe the Brown Act in favor of greater public access and narrowly construe exemptions to its general rules.⁴

Generally, public officials should think of themselves as living in glass houses, and that they may only draw the curtains when it is in the public interest to preserve confidentiality. Closed sessions may be held only as specifically authorized by the provisions of the Brown Act itself.

The Brown Act, however, is limited to meetings among a majority of the members of multi-member government bodies when the subject relates to local agency business. It does not apply to independent conduct of individual decision-makers. It does not apply to social, ceremonial, educational, and other gatherings as long as a majority of the members of a body do not discuss issues related to their local agency's business. Meetings of temporary advisory committees — as distinguished from standing committees — made up solely of less than a quorum of a legislative body are not subject to the Brown Act.

The law does not apply to local agency staff or employees, but they may facilitate a violation by acting as a conduit for discussion, deliberation, or action by the legislative body.⁵

The law, on the one hand, recognizes the need of individual local officials to meet and discuss matters with their constituents. On the other hand, it requires — with certain specific exceptions to protect the community and preserve individual rights — that the decision-making process be public. Sometimes the boundary between the two is not easy to draw.

Public participation in meetings

In addition to requiring the public's business to be conducted in open, noticed meetings, the Brown Act also extends to the public the right to participate in meetings. Individuals, lobbyists, and members of the news media possess the right to attend, record, broadcast, and participate in public meetings. The public's participation is further enhanced by the Brown Act's requirement that a meaningful agenda be posted in advance of meetings, by limiting discussion and action to matters listed on the agenda, and by requiring that meeting materials be made available.

Legislative bodies may, however, adopt reasonable regulations on public testimony and the conduct of public meetings, including measures to address disruptive conduct and irrelevant speech.

PRACTICE TIP: Think of the government's house as being made of glass. The curtains may be drawn only to further the public's interest. A local policy on the use of laptop computers, tablets, and smart phones during Brown Act meetings may help avoid problems.

Controversy

Not surprisingly, the Brown Act has been a source of confusion and controversy since its inception. News media and government watchdogs often argue the law is toothless, pointing out that there has never been a single criminal conviction for a violation. They often suspect that closed sessions are being misused.

Public officials complain that the Brown Act makes it difficult to respond to constituents and requires public discussions of items better discussed privately — such as why a particular person should not be appointed to a board or commission. Many elected officials find the Brown Act inconsistent with their private business experiences. Closed meetings can be more efficient; they eliminate grandstanding and promote candor. The techniques that serve well in business — the working lunch, the sharing of information through a series of phone calls or emails, the backroom conversations and compromises — are often not possible under the Brown Act.

As a matter of public policy, California (along with many other states) has concluded that there is more to be gained than lost by conducting public business in the open. Government behind closed doors may well be efficient and business-like, but it may be perceived as unresponsive and untrustworthy.

PRACTICE TIP: Transparency is a foundational value for ethical government practices. The Brown Act is a floor, not a ceiling, for conduct.

Beyond the law — good business practices

Violations of the Brown Act can lead to invalidation of an agency's action, payment of a challenger's attorney fees, public embarrassment, even criminal prosecution. But the Brown Act is a floor, not a ceiling for conduct of public officials. This guide is focused not only on the Brown Act as a minimum standard, but also on meeting practices or activities that, legal or not, are likely to create controversy. Problems may crop up, for example, when agenda descriptions are too brief or vague, when an informal get-together takes on the appearance of a meeting, when an agency conducts too much of its business in closed session or discusses matters in closed session that are beyond the authorized scope, or when controversial issues arise that are not on the agenda.

The Brown Act allows a legislative body to adopt practices and requirements for greater access to meetings for itself and its subordinate committees and bodies that are more stringent than the law itself requires.⁶ Rather than simply restate the basic requirements of the Brown Act, local open meeting policies should strive to anticipate and prevent problems in areas where the Brown Act does not provide full guidance. As with the adoption of any other significant policy, public comment should be solicited.



A local policy could build on these basic Brown Act goals:

- A legislative body's need to get its business done smoothly;
- The public's right to participate meaningfully in meetings, and to review documents used in decision-making at a relevant point in time;
- A local agency's right to confidentially address certain negotiations, personnel matters, claims and litigation; and
- The right of the press to fully understand and communicate public agency decision-making.

An explicit and comprehensive public meeting and information policy, especially if reviewed periodically, can be an important element in maintaining or improving public relations. Such a policy exceeds the absolute requirements of the law — but if the law were enough, this guide would be unnecessary. A narrow legalistic approach will not avoid or resolve potential controversies. An agency should consider going beyond the law, and look at its unique circumstances and determine if there is a better way to prevent potential problems and promote public trust. At the very least, local agencies need to think about how their agendas are structured in order to make Brown Act compliance easier. They need to plan carefully to make sure public participation fits smoothly into the process.

Achieving balance

The Brown Act should be neither an excuse for hiding the ball nor a mechanism for hindering efficient and orderly meetings. The Brown Act represents a balance among the interests of constituencies whose interests do not always coincide. It calls for openness in local government, yet should allow government to function responsively and productively.

There must be both adequate notice of what discussion and action is to occur during a meeting as well as a normal degree of spontaneity in the dialogue between elected officials and their constituents.

The ability of an elected official to confer with constituents or colleagues must be balanced against the important public policy prohibiting decision-making outside of public meetings.

In the end, implementation of the Brown Act must ensure full participation of the public and preserve the integrity of the decision-making process, yet not stifle government officials and impede the effective and natural operation of government.

Historical note

In late 1951, *San Francisco Chronicle* reporter Mike Harris spent six weeks looking into the way local agencies conducted meetings. State law had long required that business be done in public, but Harris discovered secret meetings or caucuses were common. He wrote a 10-part series on “Your Secret Government” that ran in May and June 1952.

Out of the series came a decision to push for a new state open meeting law. Harris and Richard (Bud) Carpenter, legal counsel for the League of California Cities, drafted such a bill and Assembly Member Ralph M. Brown agreed to carry it. The Legislature passed the bill and Governor Earl Warren signed it into law in 1953.

The Ralph M. Brown Act, known as the Brown Act, has evolved under a series of amendments and court decisions, and has been the model for other open meeting laws — such as the Bagley-Keene Act, enacted in 1967 to cover state agencies.

Assembly Member Brown is best known for the open meeting law that carries his name. He was elected to the Assembly in 1942 and served 19 years, including the last three years as Speaker. He then became an appellate court justice.

PRACTICE TIP: The Brown Act should be viewed as a tool to facilitate the business of local government agencies. Local policies that go beyond the minimum requirements of law may help instill public confidence and avoid problems.

ENDNOTES:

- 1 California Government Code section 54950
- 2 California Constitution, Art. 1, section 3(b)(1)
- 3 California Government Code section 54953(a)
- 4 This principle of broad construction when it furthers public access and narrow construction if a provision limits public access is also stated in the amendment to the State's Constitution adopted by Proposition 59 in 2004. California Constitution, Art. 1, section 3(b)(2).
- 5 California Government Code section 54952.2(b)(2) and (c)(1); *Wolfe v. City of Fremont* (2006) 144 Cal.App.4th 533
- 6 California Government Code section 54953.7

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Chapter 2

LEGISLATIVE BODIES

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Chapter 2

LEGISLATIVE BODIES

The Brown Act applies to the legislative bodies of local agencies. It defines “legislative body” broadly to include just about every type of decision-making body of a local agency.¹



What is a “legislative body” of a local agency?

A “legislative body” includes:

- **The “governing body”** of a local agency² and certain of its subsidiary bodies; “or any other local body created by state or federal statute.”² This includes city councils, boards of supervisors, school boards and boards of trustees of special districts. A “local agency” is any city, county, city and county, school district, municipal corporation, successor agency to a redevelopment agency, district, political subdivision or other local public agency.³ A housing authority is a local agency under the Brown Act even though it is created by and is an agent of the state.⁴ The California Attorney General has opined that air pollution control districts and regional open space districts are also covered.⁵ Entities created pursuant to joint powers agreements are also local agencies within the meaning of the Brown Act.⁶

- **Newly-elected members** of a legislative body who have not yet assumed office must conform to the requirements of the Brown Act as if already in office.⁷ Thus, meetings between incumbents and newly-elected members of a legislative body, such as a meeting between two outgoing members and a member-elect of a five-member body, could violate the Brown Act.

Q. On the morning following the election to a five-member legislative body of a local agency, two successful candidates, neither an incumbent, meet with an incumbent member of the legislative body for a celebratory breakfast. Does this violate the Brown Act?

A. *It might, and absolutely would if the conversation turns to agency business. Even though the candidates-elect have not officially been sworn in, the Brown Act applies. If purely a social event, there is no violation but it would be preferable if others were invited to attend to avoid the appearance of impropriety.*

- **Appointed bodies** — whether permanent or temporary, decision-making or advisory — including planning commissions, civil service commissions and other subsidiary committees, boards, and bodies. Volunteer groups, executive search committees, task forces, and blue ribbon committees created by formal action of the governing body are legislative bodies. When the members of two or more legislative bodies are appointed to serve on an entirely separate advisory group, the resulting body may be subject to the

PRACTICE TIP: The prudent presumption is that an advisory committee or task force is subject to the Brown Act. Even if one clearly is not, it may want to comply with the Brown Act. Public meetings may reduce the possibility of misunderstandings and controversy.

Brown Act. In one reported case, a city council created a committee of two members of the city council and two members of the city planning commission to review qualifications of prospective planning commissioners and make recommendations to the council. The court held that their joint mission made them a legislative body subject to the Brown Act. Had the two committees remained separate; and met only to exchange information and report back to their respective boards, they would have been exempt from the Brown Act.⁸

- **Standing committees** of a legislative body, irrespective of their composition, which have either: (1) a continuing subject matter jurisdiction; or (2) a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body.⁹ Even if it comprises less than a quorum of the governing body, a standing committee is subject to the Brown Act. For example, if a governing body creates long-term committees on budget and finance or on public safety, those are standing committees subject to the Brown Act. Further, according to the California Attorney General, function over form controls. For example, a statement by the legislative body that the advisory committee “shall not exercise continuing subject matter jurisdiction” or the fact that the committee does not have a fixed meeting schedule is not determinative.¹⁰ “Formal action” by a legislative body includes authorization given to the agency’s executive officer to appoint an advisory committee pursuant to agency-adopted policy.¹¹
- The governing body of any **private organization** either: (1) created by the legislative body in order to exercise authority that may lawfully be delegated by such body to a private corporation, limited liability company or other entity; or (2) that receives agency funding and whose governing board includes a member of the legislative body of the local agency appointed by the legislative body as a full voting member of the private entity’s governing board.¹² These include some nonprofit corporations created by local agencies.¹³ If a local agency contracts with a private firm for a service (for example, payroll, janitorial, or food services), the private firm is not covered by the Brown Act.¹⁴ When a member of a legislative body sits on a board of a private organization as a private person and is not appointed by the legislative body, the board will not be subject to the Brown Act. Similarly, when the legislative body appoints someone other than one of its own members to such boards, the Brown Act does not apply. Nor does it apply when a private organization merely receives agency funding.¹⁵

Q: The local chamber of commerce is funded in part by the city. The mayor sits on the chamber’s board of directors. Is the chamber board a legislative body subject to the Brown Act?

A: *Maybe. If the chamber’s governing documents require the mayor to be on the board and the city council appoints the mayor to that position, the board is a legislative body. If, however, the chamber board independently appoints the mayor to its board, or the mayor attends chamber board meetings in a purely advisory capacity, it is not.*

Q: If a community college district board creates an auxiliary organization to operate a campus bookstore or cafeteria, is the board of the organization a legislative body?

A: *Yes. But, if the district instead contracts with a private firm to operate the bookstore or cafeteria, the Brown Act would not apply to the private firm.*

- **Certain types of hospital operators.** A lessee of a hospital (or portion of a hospital)

PRACTICE TIP: It can be difficult to determine whether a subcommittee of a body falls into the category of a standing committee or an exempt temporary committee. Suppose a committee is created to explore the renewal of a franchise or a topic of similarly limited scope and duration. Is it an exempt temporary committee or a non-exempt standing committee? The answer may depend on factors such as how meeting schedules are determined, the scope of the committee’s charge, or whether the committee exists long enough to have “continuing jurisdiction.”

first leased under Health and Safety Code subsection 32121(p) after January 1, 1994, which exercises “material authority” delegated to it by a local agency, whether or not such lessee is organized and operated by the agency or by a delegated authority.¹⁶

What is not a “legislative body” for purposes of the Brown Act?

- A temporary advisory committee composed **solely of less than a quorum** of the legislative body that serves a limited or single purpose, that is not perpetual, and that will be dissolved once its specific task is completed is not subject to the Brown Act.¹⁷ Temporary committees are sometimes called *ad hoc* committees, a term not used in the Brown Act. Examples include an advisory committee composed of less than a quorum created to interview candidates for a vacant position or to meet with representatives of other entities to exchange information on a matter of concern to the agency, such as traffic congestion.¹⁸
- Groups advisory to a single decision-maker or appointed by staff are not covered. The Brown Act applies only to committees created by formal action of the legislative body and not to committees created by others. A committee advising a superintendent of schools would not be covered by the Brown Act. However, the same committee, if created by formal action of the school board, would be covered.¹⁹

Q. A member of the legislative body of a local agency informally establishes an advisory committee of five residents to advise her on issues as they arise. Does the Brown Act apply to this committee?

A. *No, because the committee has not been established by formal action of the legislative body.*

Q. During a meeting of the city council, the council directs the city manager to form an advisory committee of residents to develop recommendations for a new ordinance. The city manager forms the committee and appoints its members; the committee is instructed to direct its recommendations to the city manager. Does the Brown Act apply to this committee?

A. *Possibly, because the direction from the city council might be regarded as a formal action of the body notwithstanding that the city manager controls the committee.*

- Individual decision makers who are not elected or appointed members of a legislative body are not covered by the Brown Act. For example, a disciplinary hearing presided over by a department head or a meeting of agency department heads are not subject to the Brown Act since such assemblies are not those of a legislative body.²⁰
- Public employees, each acting individually and not engaging in collective deliberation on a specific issue, such as the drafting and review of an agreement, do not constitute a legislative body under the Brown Act, even if the drafting and review process was established by a legislative body.²¹
- County central committees of political parties are also not Brown Act bodies.²²

ENDNOTES:

1 *Taxpayers for Livable Communities v. City of Malibu* (2005) 126 Cal.App.4th 1123, 1127

- 2 California Government Code section 54952(a) and (b)
- 3 California Government Code section 54951; Health and Safety Code section 34173(g) (successor agencies to former redevelopment agencies subject to the Brown Act). But see Education Code section 35147, which exempts certain school councils and school site advisory committees from the Brown Act and imposes upon them a separate set of rules.
- 4 *Torres v. Board of Commissioners of Housing Authority of Tulare County* (1979) 89 Cal.App.3d 545, 549-550
- 5 71 Ops.Cal.Atty.Gen. 96 (1988); 73 Ops.Cal.Atty.Gen. 1 (1990)
- 6 *McKee v. Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force* (2005) 134 Cal. App.4th 354, 362
- 7 California Government Code section 54952.1
- 8 *Joiner v. City of Sebastopol* (1981) 125 Cal.App.3d 799, 804-805
- 9 California Government Code section 54952(b)
- 10 79 Ops.Cal.Atty.Gen. 69 (1996)
- 11 *Frazer v. Dixon Unified School District* (1993) 18 Cal.App.4th 781, 793
- 12 California Government Code section 54952(c)(1). Regarding private organizations that receive local agency funding, the same rule applies to a full voting member appointed prior to February 9, 1996 who, after that date, is made a non-voting board member by the legislative body. California Government Code section 54952(c)(2)
- 13 California Government Code section 54952(c)(1)(A); *International Longshoremen's and Warehousemen's Union v. Los Angeles Export Terminal, Inc.* (1999) 69 Cal.App.4th 287, 300; *Epstein v. Hollywood Entertainment Dist. II Business Improvement District* (2001) 87 Cal.App.4th 862, 876; see also 85 Ops.Cal.Atty.Gen. 55 (2002)
- 14 *International Longshoremen's and Warehousemen's Union v. Los Angeles Export Terminal* (1999) 69 Cal. App.4th 287, 300 fn. 5
- 15 "The Brown Act, Open Meetings for Local Legislative Bodies," California Attorney General's Office (2003), p. 7
- 16 California Government Code section 54952(d)
- 17 California Government Code section 54952(b); see also *Freedom Newspapers, Inc. v. Orange County Employees Retirement System Board of Directors* (1993) 6 Cal.4th 821, 832.
- 18 *Taxpayers for Livable Communities v. City of Malibu* (2005) 126 Cal.App.4th 1123, 1129
- 19 56 Ops.Cal.Atty.Gen. 14, 16-17 (1973)
- 20 *Wilson v. San Francisco Municipal Railway* (1973) 29 Cal.App.3d 870, 878-879
- 21 *Golightly v. Molina* (2014) 229 Cal.App.4th 1501, 1513
- 22 59 Ops.Cal.Atty.Gen. 162, 164 (1976)

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Chapter 3

MEETINGS

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Chapter 3

MEETINGS



The Brown Act only applies to meetings of local legislative bodies. The Brown Act defines a meeting as: "... and any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take any action on any item that is within the subject matter jurisdiction of the legislative body."¹ The term "meeting" is not limited to gatherings at which action is taken but includes deliberative gatherings as well. A hearing before an individual hearing officer is not a meeting under the Brown Act because it is not a hearing before a legislative body.²

Brown Act meetings

Brown Act meetings include a legislative body's regular meetings, special meetings, emergency meetings, and adjourned meetings.

- **"Regular meetings"** are meetings occurring at the dates, times, and location set by resolution, ordinance, or other formal action by the legislative body and are subject to 72-hour posting requirements.³
- **"Special meetings"** are meetings called by the presiding officer or majority of the legislative body to discuss only discrete items on the agenda under the Brown Act's notice requirements for special meetings and are subject to 24-hour posting requirements.⁴
- **"Emergency meetings"** are a limited class of meetings held when prompt action is needed due to actual or threatened disruption of public facilities and are held on little notice.⁵
- **"Adjourned meetings"** are regular or special meetings that have been adjourned or re-adjourned to a time and place specified in the order of adjournment, with no agenda required for regular meetings adjourned for less than five calendar days as long as no additional business is transacted.⁶

Six exceptions to the meeting definition

The Brown Act creates six exceptions to the meeting definition:⁷

Individual Contacts

The first exception involves individual contacts between a member of the legislative body and any other person. The Brown Act does not limit a legislative body member acting on his or her own. This exception recognizes the right to confer with constituents, advocates, consultants, news reporters, local agency staff, or a colleague.

Individual contacts, however, cannot be used to do in stages what would be prohibited in one step. For example, a series of individual contacts that leads to discussion, deliberation, or action among a majority of the members of a legislative body is prohibited. Such serial meetings are discussed below.

Conferences

The second exception allows a legislative body majority to attend a conference or similar gathering open to the public that addresses issues of general interest to the public or to public agencies of the type represented by the legislative body.

Among other things, this exception permits legislative body members to attend annual association conferences of city, county, school, community college, and other local agency officials, so long as those meetings are open to the public. However, a majority of members cannot discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within their local agency's subject matter jurisdiction.

Community Meetings

The third exception allows a legislative body majority to attend an open and publicized meeting held by another organization to address a topic of local community concern. A majority cannot discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the legislative body's subject matter jurisdiction. Under this exception, a legislative body majority may attend a local service club meeting or a local candidates' night if the meetings are open to the public.



“I see we have four distinguished members of the city council at our meeting tonight,” said the chair of the Environmental Action Coalition. “I wonder if they have anything to say about the controversy over enacting a slow growth ordinance?”

The Brown Act permits a majority of a legislative body to attend and speak at an open and publicized meeting conducted by another organization. The Brown Act may nevertheless be violated if a majority discusses, deliberates, or takes action on an item during the meeting of the other organization. There is a fine line between what is permitted and what is not; hence, members should exercise caution when participating in these types of events.

- Q.** The local chamber of commerce sponsors an open and public candidate debate during an election campaign. Three of the five agency members are up for re-election and all three participate. All of the candidates are asked their views of a controversial project scheduled for a meeting to occur just after the election. May the three incumbents answer the question?
- A.** Yes, because the Brown Act does not constrain the incumbents from expressing their views regarding important matters facing the local agency as part of the political process the same as any other candidates.



Other Legislative Bodies

The fourth exception allows a majority of a legislative body to attend an open and publicized meeting of: (1) another body of the local agency; and (2) a legislative body of another local agency.⁸ Again, the majority cannot discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within their subject matter jurisdiction. This exception allows, for example, a city council or a majority of a board of supervisors to attend a controversial meeting of the planning commission.

Nothing in the Brown Act prevents the majority of a legislative body from sitting together at such a meeting. They may choose not to, however, to preclude any possibility of improperly discussing local agency business and to avoid the appearance of a Brown Act violation. Further, aside

from the Brown Act, there may be other reasons, such as due process considerations, why the members should avoid giving public testimony or trying to influence the outcome of proceedings before a subordinate body.

- Q.** The entire legislative body intends to testify against a bill before the Senate Local Government Committee in Sacramento. Must this activity be noticed as a meeting of the body?
- A.** *No, because the members are attending and participating in an open meeting of another governmental body which the public may attend.*
- Q.** The members then proceed upstairs to the office of their local Assembly member to discuss issues of local interest. Must this session be noticed as a meeting and be open to the public?
- A.** *Yes, because the entire body may not meet behind closed doors except for proper closed sessions. The same answer applies to a private lunch or dinner with the Assembly member.*

Standing Committees

The fifth exception authorizes the attendance of a majority at an open and noticed meeting of a standing committee of the legislative body, provided that the legislative body members who are not members of the standing committee attend only as observers (meaning that they cannot speak or otherwise participate in the meeting).⁹

- Q.** The legislative body establishes a standing committee of two of its five members, which meets monthly. A third member of the legislative body wants to attend these meetings and participate. May she?
- A.** *She may attend, but only as an observer; she may not participate.*

Social or Ceremonial Events

The final exception permits a majority of a legislative body to attend a purely social or ceremonial occasion. Once again, a majority cannot discuss business among themselves of a specific nature that is within the subject matter jurisdiction of the legislative body.

Nothing in the Brown Act prevents a majority of members from attending the same football game, party, wedding, funeral, reception, or farewell. The test is not whether a majority of a legislative body attends the function, but whether business of a specific nature within the subject matter jurisdiction of the body is discussed. So long as no such business is discussed, there is no violation of the Brown Act.

Grand Jury Testimony

In addition, members of a legislative body, either individually or collectively, may give testimony in private before a grand jury.¹⁰ This is the equivalent of a seventh exception to the Brown Act's definition of a "meeting."

Collective briefings

None of these exceptions permits a majority of a legislative body to meet together with staff in advance of a meeting for a collective briefing. Any such briefings that involve a majority of the body in the same place and time must be open to the public and satisfy Brown Act meeting notice and agenda requirements.

Retreats or workshops of legislative bodies

Gatherings by a majority of legislative body members at the legislative body's retreats, study sessions, or workshops are covered under the Brown Act. This is the case whether the retreat, study session, or workshop focuses on long-range agency planning, discussion of critical local issues, or team building and group dynamics.¹¹



Q. The legislative body wants to hold a team-building session to improve relations among its members. May such a session be conducted behind closed doors?

A. *No, this is not a proper subject for a closed session, and there is no other basis to exclude the public. Council relations are a matter of public business.*

Serial meetings

One of the most frequently asked questions about the Brown Act involves serial meetings. At any one time, such meetings involve only a portion of a legislative body, but eventually involve a majority. The Brown Act provides that "[a] majority of the members of a legislative body shall not, outside a meeting ... use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body."¹² The problem with serial meetings is the process, which deprives the public of an opportunity for meaningful observation of and participation in legislative body decision-making.

The serial meeting may occur by either a “daisy chain” or a “hub and spoke” sequence. In the daisy chain scenario, Member A contacts Member B, Member B contacts Member C, Member C contacts Member D and so on, until a quorum has discussed, deliberated, or taken action on an item within the legislative body’s subject matter jurisdiction. The hub and spoke process involves at least two scenarios. In the first scenario, Member A (the hub) sequentially contacts Members B, C, and D and so on (the spokes), until a quorum has been contacted. In the second scenario, a staff member (the hub), functioning as an intermediary for the legislative body or one of its members,



communicates with a majority of members (the spokes) one-by-one for discussion, deliberation, or a decision on a proposed action.¹³ Another example of a serial meeting is when a chief executive officer (the hub) briefs a majority of members (the spokes) prior to a formal meeting and, in the process, information about the members’ respective views is revealed. Each of these scenarios violates the Brown Act.

A legislative body member has the right, if not the duty, to meet with constituents to address their concerns. That member also has the right to confer with a colleague (but not with a majority of the body, counting the member) or appropriate staff about local agency business. An employee or official of a local agency may engage in separate conversations or communications outside of an open and noticed meeting “with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of

the local agency if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.”¹⁴

The Brown Act has been violated, however, if several one-on-one meetings or conferences leads to a discussion, deliberation, or action by a majority. In one case, a violation occurred when a quorum of a city council, by a letter that had been circulated among members outside of a formal meeting, directed staff to take action in an eminent domain proceeding.¹⁵

A unilateral written communication to the legislative body, such as an informational or advisory memorandum, does not violate the Brown Act.¹⁶ Such a memo, however, may be a public record.¹⁷

The phone call was from a lobbyist. “Say, I need your vote for that project in the south area. How about it?”

“Well, I don’t know,” replied Board Member Aletto. “That’s kind of a sticky proposition. You sure you need my vote?”

“Well, I’ve got Bradley and Cohen lined up and another vote leaning. With you I’d be over the top.”

Moments later, the phone rings again. “Hey, I’ve been hearing some rumbles on that south area project,” said the newspaper reporter. “I’m counting noses. How are you voting on it?”

Neither the lobbyist nor the reporter has violated the Brown Act, but they are facilitating

a violation. The board member may have violated the Brown Act by hearing about the positions of other board members and indeed coaxing the lobbyist to reveal the other board members' positions by asking "You sure you need my vote?" The prudent course is to avoid such leading conversations and to caution lobbyists, staff, and news media against revealing such positions of others.

The mayor sat down across from the city manager. "From now on," he declared, "I want you to provide individual briefings on upcoming agenda items. Some of this material is very technical, and the council members don't want to sound like idiots asking about it in public. Besides that, briefings will speed up the meeting."

Agency employees or officials may have separate conversations or communications outside of an open and noticed meeting "with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body."¹⁸ Members should always be vigilant when discussing local agency business with anyone to avoid conversations that could lead to a discussion, deliberation or action taken among the majority of the legislative body.

"Thanks for the information," said Council Member Kim. "These zoning changes can be tricky, and now I think I'm better equipped to make the right decision."

"Glad to be of assistance," replied the planning director. "I'm sure Council Member Jones is OK with these changes. How are you leaning?"

"Well," said Council Member Kim, "I'm leaning toward approval. I know that two of my colleagues definitely favor approval."

The planning director should not disclose Jones' prospective vote, and Kim should not disclose the prospective votes of two of her colleagues. Under these facts, there likely has been a serial meeting in violation of the Brown Act.

- Q.** The agency's website includes a chat room where agency employees and officials participate anonymously and often discuss issues of local agency business. Members of the legislative body participate regularly. Does this scenario present a potential for violation of the Brown Act?
- A.** Yes, because it is a technological device that may serve to allow for a majority of members to discuss, deliberate, or take action on matters of agency business.
- Q.** A member of a legislative body contacts two other members on a five-member body relative to scheduling a special meeting. Is this an illegal serial meeting?
- A.** No, the Brown Act expressly allows a majority of a body to call a special meeting, though the members should avoid discussing the merits of what is to be taken up at the meeting.

PRACTICE TIP: When briefing legislative body members, staff must exercise care not to disclose other members' views and positions.

Particular care should be exercised when staff briefings of legislative body members occur by email because of the ease of using the “reply to all” button that may inadvertently result in a Brown Act violation.

Informal gatherings

Often members are tempted to mix business with pleasure — for example, by holding a post-meeting gathering. Informal gatherings at which local agency business is discussed or transacted violate the law if they are not conducted in conformance with the Brown Act.¹⁹ A luncheon gathering in a crowded dining room violates the Brown Act if the public does not have an opportunity to attend, hear, or participate in the deliberations of members.

Thursday at 11:30 a.m., as they did every week, the board of directors of the Dry Gulch Irrigation District trooped into Pop’s Donut Shoppe for an hour of talk and fellowship. They sat at the corner window, fronting on Main and Broadway, to show they had nothing to hide. Whenever he could, the managing editor of the weekly newspaper down the street hurried over to join the board.

A gathering like this would not violate the Brown Act if board members scrupulously avoided talking about irrigation district issues — which might be difficult. This kind of situation should be avoided. The public is unlikely to believe the board members could meet regularly without discussing public business. A newspaper executive’s presence in no way lessens the potential for a violation of the Brown Act.

- Q.** The agency has won a major victory in the Supreme Court on an issue of importance. The presiding officer decides to hold an impromptu press conference in order to make a statement to the print and broadcast media. All the other members show up in order to make statements of their own and be seen by the media. Is this gathering illegal?
- A.** *Technically there is no exception for this sort of gathering, but as long as members do not state their intentions as to future action to be taken and the press conference is open to the public, it seems harmless.*



Technological conferencing

Except for certain nonsubstantive purposes, such as scheduling a special meeting, a conference call including a majority of the members of a legislative body is an unlawful meeting. But, in an effort to keep up with information age technologies, the Brown Act specifically allows a legislative body to use any type of teleconferencing to meet, receive public comment and testimony, deliberate, or conduct a closed session.²⁰ While the Brown Act contains specific requirements for conducting a teleconference, the decision to use teleconferencing is entirely discretionary with the body. No person has a right under the Brown Act to have a meeting by teleconference.

“Teleconference” is defined as “a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either

audio or video, or both.”²¹ In addition to the specific requirements relating to teleconferencing, the meeting must comply with all provisions of the Brown Act otherwise applicable. The Brown Act contains the following teleconferencing requirements:²²

- Teleconferencing may be used for all purposes during any meeting;
- At least a quorum of the legislative body must participate from locations within the local agency’s jurisdiction;
- Additional teleconference locations may be made available for the public;
- Each teleconference location must be specifically identified in the notice and agenda of the meeting, including a full address and room number, as may be applicable;
- Agendas must be posted at each teleconference location, even if a hotel room or a residence;
- Each teleconference location, including a hotel room or residence, must be accessible to the public and have technology, such as a speakerphone, to enable the public to participate;
- The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location; and
- All votes must be by roll call.

Q. A member on vacation wants to participate in a meeting of the legislative body and vote by cellular phone from her car while driving from Washington, D.C. to New York. May she?

A. *She may not participate or vote because she is not in a noticed and posted teleconference location.*

The use of teleconferencing to conduct a legislative body meeting presents a variety of issues beyond the scope of this guide to discuss in detail. Therefore, before teleconferencing a meeting, legal counsel for the local agency should be consulted.

Location of meetings

The Brown Act generally requires all regular and special meetings of a legislative body, including retreats and workshops, to be held within the boundaries of the territory over which the local agency exercises jurisdiction.²³

An open and publicized meeting of a legislative body may be held outside of agency boundaries if the purpose of the meeting is one of the following:²⁴

- Comply with state or federal law or a court order, or attend a judicial conference or administrative proceeding in which the local agency is a party;
- Inspect real or personal property that cannot be conveniently brought into the local agency’s territory, provided the meeting is limited to items relating to that real or personal property;

Q. The agency is considering approving a major retail mall. The developer has built other similar malls, and invites the entire legislative body to visit a mall outside the jurisdiction. May the entire body go?

A. *Yes, the Brown Act permits meetings outside the boundaries of the agency for specified reasons and inspection of property is one such reason. The field trip must be treated as a meeting and the public must be allowed to attend.*

- Participate in multiagency meetings or discussions; however, such meetings must be held within the boundaries of one of the participating agencies, and all of those agencies must give proper notice;
- Meet in the closest meeting facility if the local agency has no meeting facility within its boundaries, or meet at its principal office if that office is located outside the territory over which the agency has jurisdiction;
- Meet with elected or appointed federal or California officials when a local meeting would be impractical, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction;
- Meet in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility; or
- Visit the office of its legal counsel for a closed session on pending litigation, when to do so would reduce legal fees or costs.²⁵

In addition, the governing board of a school or community college district may hold meetings outside of its boundaries to attend a conference on nonadversarial collective bargaining techniques, interview candidates for school district superintendent, or interview a potential

employee from another district.²⁶ A school board may also interview members of the public residing in another district if the board is considering employing that district's superintendent.

Similarly, meetings of a joint powers authority can occur within the territory of at least one of its member agencies, and a joint powers authority with members throughout the state may meet anywhere in the state.²⁷

Finally, if a fire, flood, earthquake, or other emergency makes the usual meeting place unsafe, the presiding officer can designate another meeting place for the duration of the emergency. News media that have requested notice of meetings must be notified of the designation by the most rapid means of communication available.²⁸



Endnotes:

- 1 California Government Code section 54952.2(a)
- 2 *Wilson v. San Francisco Municipal Railway* (1973) 29 Cal.App.3d 870
- 3 California Government Code section 54954(a)
- 4 California Government Code section 54956
- 5 California Government Code section 54956.5
- 6 California Government Code section 54955
- 7 California Government Code section 54952.2(c)
- 8 California Government Code section 54952.2(c)(4)
- 9 California Government Code section 54952.2(c)(6)
- 10 California Government Code section 54953.1
- 11 “*The Brown Act*,” California Attorney General (2003), p. 10
- 12 California Government Code section 54952.2(b)(1)
- 13 *Stockton Newspaper Inc. v. Redevelopment Agency* (1985) 171 Cal.App.3d 95
- 14 California Government Code section 54952.2(b)(2)
- 15 *Common Cause v. Stirling* (1983) 147 Cal.App.3d 518
- 16 *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363
- 17 California Government Code section 54957.5(a)
- 18 California Government Code section 54952.2(b)(2)
- 19 California Government Code section 54952.2; 43 Ops.Cal.Atty.Gen. 36 (1964)
- 20 California Government Code section 54953(b)(1)
- 21 California Government Code section 54953(b)(4)
- 22 California Government Code section 54953
- 23 California Government Code section 54954(b)
- 24 California Government Code section 54954(b)(1)-(7)
- 25 94 Ops.Cal.Atty.Gen. 15 (2011)
- 26 California Government Code section 54954(c)
- 27 California Government Code section 54954(d)
- 28 California Government Code section 54954(e)

Updates to this publication responding to changes in the Brown Act or new court interpretations are available at www.cacities.org/opengovernment. A current version of the Brown Act may be found at www.leginfo.ca.gov.



Chapter 4

AGENDAS, NOTICES, AND PUBLIC PARTICIPATION

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Chapter 4

AGENDAS, NOTICES, AND PUBLIC PARTICIPATION



Effective notice is essential for an open and public meeting. Whether a meeting is open or how the public may participate in that meeting is academic if nobody knows about the meeting.

Agendas for regular meetings

Every regular meeting of a legislative body of a local agency — including advisory committees, commissions, or boards, as well as standing committees of legislative bodies — must be preceded by a posted agenda that advises the public of the meeting and the matters to be transacted or discussed.

The agenda must be posted at least 72 hours before the regular meeting in a location “freely accessible to members of the public.”¹ The courts have not definitively interpreted the “freely accessible” requirement. The California Attorney General has interpreted this

provision to require posting in a location accessible to the public 24 hours a day during the 72-hour period, but any of the 72 hours may fall on a weekend.² This provision may be satisfied by posting on a touch screen electronic kiosk accessible without charge to the public 24 hours a day during the 72-hour period.³ While posting an agenda on an agency’s Internet website will not, by itself, satisfy the “freely accessible” requirement since there is no universal access to the internet, an agency has a supplemental obligation to post the agenda on its website if: (1) the local agency has a website; and (2) the legislative body whose meeting is the subject of the agenda is either (a) a governing body, or (b) has members that are compensated, with one or more members that are also members of a governing body.⁴

Q. May the meeting of a governing body go forward if its agenda was either inadvertently not posted on the city’s website or if the website was not operational during part or all of the 72-hour period preceding the meeting?

A. *At a minimum, the Brown Act calls for “substantial compliance” with all agenda posting requirements, including posting to the agency website.⁵ Should website technical difficulties arise, seek a legal opinion from your agency attorney. The California Attorney General has opined that technical difficulties which cause the website agenda to become inaccessible for a portion of the 72 hours preceding a meeting do not automatically or inevitably lead to a Brown Act violation, provided the agency can demonstrate substantial compliance.⁶ This inquiry requires a fact-specific examination of whether the agency or its legislative body made “reasonably effective efforts to notify interested persons of a public meeting” through online posting and other available means.⁷ The Attorney General’s opinion suggests that this examination would include an evaluation of how long a technical problem persisted, the efforts made to correct the problem or otherwise ensure that the public was informed, and the actual effect the problem had on public*

awareness, among other factors.⁸ The City Attorneys' Department has taken the position that obvious website technical difficulties do not require cancellation of a meeting, provided that the agency meets all other Brown Act posting requirements and the agenda is available on the website once the technical difficulties are resolved.

The agenda must state the meeting time and place and must contain “a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session.”⁹ Special care should be taken to describe on the agenda each distinct action to be taken by the legislative body, and avoid overbroad descriptions of a “project” if the “project” is actually a set of distinct actions that must each be separately listed on the agenda.¹⁰

PRACTICE TIP: Putting together a meeting agenda requires careful thought.

Q. The agenda for a regular meeting contains the following items of business:

- Consideration of a report regarding traffic on Eighth Street; and
- Consideration of contract with ABC Consulting.

Are these descriptions adequate?

A. *If the first is, it is barely adequate. A better description would provide the reader with some idea of what the report is about and what is being recommended. The second is not adequate. A better description might read “consideration of a contract with ABC Consulting in the amount of \$50,000 for traffic engineering services regarding traffic on Eighth Street.”*

Q. The agenda includes an item entitled City Manager’s Report, during which time the city manager provides a brief report on notable topics of interest, none of which are listed on the agenda.

Is this permissible?

A. *Yes, so long as it does not result in extended discussion or action by the body.*

A brief general description may not be sufficient for closed session agenda items. The Brown Act provides safe harbor language for the various types of permissible closed sessions. Substantial compliance with the safe harbor language is recommended to protect legislative bodies and elected officials from legal challenges.

Mailed agenda upon written request

The legislative body, or its designee, must mail a copy of the agenda or, if requested, the entire agenda packet, to any person who has filed a written request for such materials. These copies shall be mailed at the time the agenda is posted. If requested, these materials must be made available in appropriate alternative formats to persons with disabilities.

A request for notice is valid for one calendar year and renewal requests must be filed following January 1 of each year. The legislative body may establish a fee to recover the cost of providing the service. Failure of the requesting person to receive the agenda does not constitute grounds for invalidation of actions taken at the meeting.¹¹



Notice requirements for special meetings

There is no express agenda requirement for special meetings, but the notice of the special meeting effectively serves as the agenda and limits the business that may be transacted or discussed.

Written notice must be sent to each member of the legislative body (unless waived in writing by that member) and to each local newspaper of general circulation, and radio or television station that has requested such notice in writing. This notice must be delivered by personal delivery or any other means that ensures receipt, at least 24 hours before the time of the meeting.

The notice must state the time and place of the meeting, as well as all business to be transacted or discussed. It is recommended that the business to be transacted or discussed be described in the same manner that an item for a regular meeting would be described on the agenda — with a brief general description. As noted above, closed session items should be described in accordance with the Brown Act's safe harbor provisions to protect legislative bodies and elected officials from challenges of noncompliance with notice requirements.

The special meeting notice must also be posted at least 24 hours prior to the special meeting using the same methods as posting an agenda for a regular meeting: (1) at a site that is freely accessible to the public, and (2) on the agency's website if: (1) the local agency has a website; and (2) the legislative body whose meeting is the subject of the agenda is either (a) a governing body, or (b) has members that are compensated, with one or more members that are also members of a governing body.¹²

Notices and agendas for adjourned and continued meetings and hearings

A regular or special meeting can be adjourned and re-adjourned to a time and place specified in the order of adjournment.¹³ If no time is stated, the meeting is continued to the hour for regular meetings. Whoever is present (even if they are less than a quorum) may so adjourn a meeting; if no member of the legislative body is present, the clerk or secretary may adjourn the meeting. If a meeting is adjourned for less than five calendar days, no new agenda need be posted so long as a new item of business is not introduced.¹⁴ A copy of the order of adjournment must be posted within 24 hours after the adjournment, at or near the door of the place where the meeting was held.

A hearing can be continued to a subsequent meeting. The process is the same as for continuing adjourned meetings, except that if the hearing is continued to a time less than 24 hours away, a copy of the order or notice of continuance must be posted immediately following the meeting.¹⁵

Notice requirements for emergency meetings

The special meeting notice provisions apply to emergency meetings, except for the 24-hour notice.¹⁶ News media that have requested written notice of special meetings must be notified by telephone at least one hour in advance of an emergency meeting, and all telephone numbers provided in that written request must be tried. If telephones are not working, the notice requirements are deemed waived. However, the news media must be notified as soon as possible of the meeting and any action taken.



News media may make a practice of having written requests on file for notification of special or emergency meetings. Absent such a request, a local agency has no legal obligation to notify news media of special or emergency meetings — although notification may be advisable in any event to avoid controversy.

Notice of compensation for simultaneous or serial meetings

A legislative body that has convened a meeting and whose membership constitutes a quorum of another legislative body, may convene a simultaneous or serial meeting of the other legislative body only after a clerk or member of the convened legislative body orally announces: (1) the amount of compensation or stipend, if any, that each member will be entitled to receive as a result of convening the meeting of the other legislative body; and (2) that the compensation or stipend is provided as a result of convening the meeting of that body.¹⁷

No oral disclosure of the amount of the compensation is required if the entire amount of such compensation is prescribed by statute and no additional compensation has been authorized by the local agency. Further, no disclosure is required with respect to reimbursements for actual and necessary expenses incurred in the performance of the member's official duties, such as for travel, meals, and lodging.

Educational agency meetings

The Education Code contains some special agenda and special meeting provisions.¹⁸ However, they are generally consistent with the Brown Act. An item is probably void if not posted.¹⁹ A school district board must also adopt regulations to make sure the public can place matters affecting the district's business on meeting agendas and to address the board on those items.²⁰

Notice requirements for tax or assessment meetings and hearings

The Brown Act prescribes specific procedures for adoption by a city, county, special district, or joint powers authority of any new or increased tax or assessment imposed on businesses.²¹ Though written broadly, these Brown Act provisions do not apply to new or increased real property taxes or assessments as those are governed by the California Constitution, Article XIII C or XIII D, enacted by Proposition 218. At least one public meeting must be held to allow public testimony on the tax or assessment. In addition, there must also be at least 45 days notice of a public hearing at which the legislative body proposes to enact or increase the tax or assessment. Notice of the public meeting and public hearing must be provided at the same time and in the same document. The public notice relating to general taxes must be provided by newspaper publication. The public notice relating to new or increased business assessments must be provided through a mailing to all business owners proposed to be subject to the new or increased assessment. The agency may recover the reasonable costs of the public meetings, hearings, and notice.

The Brown Act exempts certain fees, standby or availability charges, recurring assessments, and new or increased assessments that are subject to the notice and hearing requirements of the Constitution.²² As a practical matter, the Constitution's notice requirements have preempted this section of the Brown Act.



Non-agenda items

The Brown Act generally prohibits any action or discussion of items not on the posted agenda. However, there are three specific situations in which a legislative body can act on an item not on the agenda:²³

- When a majority decides there is an “emergency situation” (as defined for emergency meetings);
- When two-thirds of the members present (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action “came to the attention of the local agency subsequent to the agenda being posted.” This exception requires a degree of urgency. Further, an item cannot be considered under this provision if the legislative body or the staff knew about the need to take immediate action before the agenda was posted. A new need does not arise because staff forgot to put an item on the agenda or because an applicant missed a deadline; or
- When an item appeared on the agenda of, and was continued from, a meeting held not more than five days earlier.

The exceptions are narrow, as indicated by this list. The first two require a specific determination by the legislative body. That determination can be challenged in court and, if unsubstantiated, can lead to invalidation of an action.

“I’d like a two-thirds vote of the board, so we can go ahead and authorize commencement of phase two of the East Area Project,” said Chair Lopez.

“It’s not on the agenda. But we learned two days ago that we finished phase one ahead of schedule — believe it or not — and I’d like to keep it that way. Do I hear a motion?”

The desire to stay ahead of schedule generally would not satisfy “a need for immediate action.” Too casual an action could invite a court challenge by a disgruntled resident. The prudent course is to place an item on the agenda for the next meeting and not risk invalidation.

“We learned this morning of an opportunity for a state grant,” said the chief engineer at the regular board meeting, “but our application has to be submitted in two days. We’d like the board to give us the go ahead tonight, even though it’s not on the agenda.”

A legitimate immediate need can be acted upon even though not on the posted agenda by following a two-step process:

- First, make two determinations: 1) that there is an immediate need to take action, and 2) that the need arose after the posting of the agenda. The matter is then placed on the agenda.
- Second, discuss and act on the added agenda item.

Responding to the public

The public can talk about anything within the jurisdiction of the legislative body, but the legislative body generally cannot act on or discuss an item not on the agenda. What happens when a member of the public raises a subject not on the agenda?

PRACTICE TIP: Subject to very limited exceptions, the Brown Act prohibits any action or discussion of an item not on the posted agenda.

While the Brown Act does not allow discussion or action on items not on the agenda, it does allow members of the legislative body, or its staff, to “briefly respond” to comments or questions from members of the public, provide a reference to staff or other resources for factual information, or direct staff to place the issue on a future agenda. In addition, even without a comment from the public, a legislative body member or a staff member may ask for information, request a report back, request to place a matter on the agenda for a subsequent meeting (subject to the body’s rules or procedures), ask a question for clarification, make a brief announcement, or briefly report on his or her own activities.²⁴ However, caution should be used to avoid any discussion or action on such items.



Council Member Jefferson: I would like staff to respond to Resident Joe’s complaints during public comment about the repaving project on Elm Street — are there problems with this project?

City Manager Frank: The public works director has prepared a 45-minute power point presentation for you on the status of this project and will give it right now.

Council Member Brown: Take all the time you need; we need to get to the bottom of this. Our residents are unhappy.

It is clear from this dialogue that the Elm Street project was not on the council’s agenda, but was raised during the public comment period for items not on the agenda. Council Member A properly asked staff to respond; the city manager should have given at most a brief response. If a lengthy report from the public works director was warranted, the city manager should have stated that it would be placed on the agenda for the next meeting. Otherwise, both the long report and the likely discussion afterward will improperly embroil the council in a matter that is not listed on the agenda.

The right to attend and observe meetings

A number of Brown Act provisions protect the public’s right to attend, observe, and participate in meetings.

Members of the public cannot be required to register their names, provide other information, complete a questionnaire, or otherwise “fulfill any condition precedent” to attending a meeting. Any attendance list, questionnaire, or similar document posted at or near the entrance to the meeting room or circulated at a meeting must clearly state that its completion is voluntary and that all persons may attend whether or not they fill it out.²⁵

No meeting can be held in a facility that prohibits attendance based on race, religion, color, national origin, ethnic group identification, age, sex, sexual orientation, or disability, or that is inaccessible to the disabled. Nor can a meeting be held where the public must make a payment or purchase in order to be present.²⁶ This does not mean, however, that the public is entitled to free entry to a conference attended by a majority of the legislative body.²⁷

While a legislative body may use teleconferencing in connection with a meeting, the public must be given notice of and access to the teleconference location. Members of the public must be able to address the legislative body from the teleconference location.²⁸

Action by secret ballot, whether preliminary or final, is flatly prohibited.²⁹

All actions taken by the legislative body in open session, and the vote of each member thereon, must be disclosed to the public at the time the action is taken.³⁰

Q: The agenda calls for election of the legislative body's officers. Members of the legislative body want to cast unsigned written ballots that would be tallied by the clerk, who would announce the results. Is this voting process permissible?

A: *No. The possibility that a public vote might cause hurt feelings among members of the legislative body or might be awkward — or even counterproductive — does not justify a secret ballot.*

The legislative body may remove persons from a meeting who willfully interrupt proceedings.³¹ Ejection is justified only when audience members actually disrupt the proceedings.³² If order cannot be restored after ejecting disruptive persons, the meeting room may be cleared. Members of the news media who have not participated in the disturbance must be allowed to continue to attend the meeting. The legislative body may establish a procedure to re-admit an individual or individuals not responsible for the disturbance.³³

Records and recordings

The public has the right to review agendas and other writings distributed by any person to a majority of the legislative body in connection with a matter subject to discussion or consideration at a meeting. Except for privileged documents, those materials are public records and must be made available upon request without delay.³⁴ A fee or deposit as permitted by the California Public Records Act may be charged for a copy of a public record.³⁵

Q: In connection with an upcoming hearing on a discretionary use permit, counsel for the legislative body transmits a memorandum to all members of the body outlining the litigation risks in granting or denying the permit. Must this memorandum be included in the packet of agenda materials available to the public?

A: *No. The memorandum is a privileged attorney-client communication.*

Q: In connection with an agenda item calling for the legislative body to approve a contract, staff submits to all members of the body a financial analysis explaining why the terms of the contract favor the local agency. Must this memorandum be included in the packet of agenda materials available to the public?

A: *Yes. The memorandum has been distributed to the majority of the legislative body, relates to the subject matter of a meeting, and is not a privileged communication.*



A legislative body may discuss or act on some matters without considering written materials. But if writings are distributed to a majority of a legislative body in connection with an agenda item, they must also be available to the public. A non-exempt or otherwise privileged writing distributed to a majority of the legislative body less than 72 hours before the meeting must be made available for inspection at the time of distribution at a public office or location designated for that purpose; and the agendas for all meetings of the legislative body must include the address of this office or location.³⁶ A writing distributed during a meeting must be made public:

- At the meeting if prepared by the local agency or a member of its legislative body; or
- After the meeting if prepared by some other person.³⁷

Any tape or film record of an open and public meeting made for whatever purpose by or at the direction of the local agency is subject to the California Public Records Act; however, it may be erased or destroyed 30 days after the taping or recording. Any inspection of a video or tape recording is to be provided without charge on a video or tape player made available by the local agency.³⁸ The agency may impose its ordinary charge for copies that is consistent with the California Public Records Act.³⁹

In addition, the public is specifically allowed to use audio or video tape recorders or still or motion picture cameras at a meeting to record the proceedings, absent a reasonable finding by the legislative body that noise, illumination, or obstruction of view caused by recorders or cameras would persistently disrupt the proceedings.⁴⁰

Similarly, a legislative body cannot prohibit or restrict the public broadcast of its open and public meetings without making a reasonable finding that the noise, illumination, or obstruction of view would persistently disrupt the proceedings.⁴¹

The public's place on the agenda

Every agenda for a regular meeting must allow members of the public to speak on any item of interest, so long as the item is within the subject matter jurisdiction of the legislative body. Further, the public must be allowed to speak on a specific item of business before or during the legislative body's consideration of it.⁴²

Q. Must the legislative body allow members of the public to show videos or make a power point presentation during the public comment part of the agenda, as long as the subject matter is relevant to the agency and is within the established time limit?

A. *Probably, although the agency is under no obligation to provide equipment.*

Moreover, the legislative body cannot prohibit public criticism of policies, procedures, programs, or services of the agency or the acts or omissions of the legislative body itself. But the Brown Act provides no immunity for defamatory statements.⁴³



PRACTICE TIP: Public speakers cannot be compelled to give their name or address as a condition of speaking. The clerk or presiding officer may request speakers to complete a speaker card or identify themselves for the record, but must respect a speaker's desire for anonymity.

Q. May the presiding officer prohibit a member of the audience from publicly criticizing an agency employee by name during public comments?

A. *No, as long as the criticism pertains to job performance.*

Q. During the public comment period of a regular meeting of the legislative body, a resident urges the public to support and vote for a candidate vying for election to the body. May the presiding officer gavel the speaker out of order for engaging in political campaign speech?

A. *There is no case law on this subject. Some would argue that campaign issues are outside the subject matter jurisdiction of the body within the meaning of Section 54954.3(a). Others take the view that the speech must be allowed under paragraph (c) of that section because it is relevant to the governing of the agency and an implicit criticism of the incumbents.*



The legislative body may adopt reasonable regulations, including time limits, on public comments. Such regulations should be enforced fairly and without regard to speakers' viewpoints. The legislative body has discretion to modify its regulations regarding time limits on public comment if necessary. For example, the time limit could be shortened to accommodate a lengthy agenda or lengthened to allow additional time for discussion on a complicated matter.⁴⁴

The public does not need to be given an opportunity to speak on an item that has already been considered by a committee made up exclusively of members of the legislative body at a public meeting, if all interested members of the public had the opportunity to speak on the item before or during its consideration, and if the item has not been substantially changed.⁴⁵

Notices and agendas for special meetings must also give members of the public the opportunity to speak before or during consideration of an item on the agenda but need not allow members of the public an opportunity to speak on other matters within the jurisdiction of the legislative body.⁴⁶

Endnotes:

- 1 California Government Code section 54954.2(a)(1)
- 2 78 Ops.Cal.Atty.Gen. 327 (1995)
- 3 88 Ops.Cal.Atty.Gen. 218 (2005)
- 4 California Government Code sections 54954.2(a)(1) and 54954.2(d)
- 5 California Government Code section 54960.1(d)(1)
- 6 ___ Ops.Cal.Atty.Gen.___, No. 14-1204 (January 19, 2016) 16 Cal. Daily Op. Serv. 937 (Cal.A.G.), 2016 WL 375262
- 7 *North Pacific LLC v. California Coastal Commission* (2008) 166 Cal.App.4th 1416, 1432
- 8 ___ Ops.Cal.Atty.Gen.___, No. 14-1204 (January 19, 2016) 16 Cal. Daily Op. Serv. 937 (Cal.A.G.), 2016 WL 375262, Slip Op. at p. 8
- 9 California Government Code section 54954.2(a)(1)
- 10 *San Joaquin Raptor Rescue v. County of Merced* (2013) 216 Cal.App.4th 1167 (legislative body's approval of CEQA action (mitigated negative declaration) without specifically listing it on the agenda violates Brown Act, even if the agenda generally describes the development project that is the subject of the CEQA analysis.)

- 11 California Government Code section 54954.1
- 12 California Government Code sections 54956(a) and (c)
- 13 California Government Code section 54955
- 14 California Government Code section 54954.2(b)(3)
- 15 California Government Code section 54955.1
- 16 California Government Code section 54956.5
- 17 California Government Code section 54952.3
- 18 Education Code sections 35144, 35145 and 72129
- 19 *Carlson v. Paradise Unified School District* (1971) 18 Cal.App.3d 196
- 20 California Education Code section 35145.5
- 21 California Government Code section 54954.6
- 22 See Cal.Const.Art.XIIIC, XIIID and California Government Code section 54954.6(h)
- 23 California Government Code section 54954.2(b)
- 24 California Government Code section 54954.2(a)(2)
- 25 California Government Code section 54953.3
- 26 California Government Code section 54961(a); California Government Code section 11135(a)
- 27 California Government Code section 54952.2(c)(2)
- 28 California Government Code section 54953(b)
- 29 California Government Code section 54953(c)
- 30 California Government Code section 54953(c)(2)
- 31 California Government Code section 54957.9.
- 32 *Norse v. City of Santa Cruz* (9th Cir. 2010) 629 F.3d 966 (silent and momentary Nazi salute directed towards mayor is not a disruption); *Acosta v. City of Costa Mesa* (9th Cir. 2013) 718 F.3d 800 (city council may not prohibit “insolent” remarks by members of the public absent actual disruption).
- 33 California Government Code section 54957.9
- 34 California Government Code section 54957.5
- 35 California Government Code section 54957.5(d)
- 36 California Government Code section 54957.5(b)
- 37 California Government Code section 54957.5(c)
- 38 California Government Code section 54953.5(b)
- 39 California Government Code section 54957.5(d)
- 40 California Government Code section 54953.5(a)
- 41 California Government Code section 54953.6
- 42 California Government Code section 54954.3(a)
- 43 California Government Code section 54954.3(c)
- 44 California Government Code section 54954.3(b); *Chaffee v. San Francisco Public Library Com.* (2005) 134 Cal.App.4th 109; 75 Ops.Cal.Atty.Gen. 89 (1992)
- 45 California Government Code section 54954.3(a)
- 46 California Government Code section 54954.3(a)

Updates to this publication responding to changes in the Brown Act or new court interpretations are available at www.cacities.org/opengovernment. A current version of the Brown Act may be found at www.leginfo.ca.gov.



Chapter 5

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Chapter 5

CLOSED SESSIONS

A closed session is a meeting of a legislative body conducted in private without the attendance of the public or press. A legislative body is authorized to meet in closed session only to the extent expressly authorized by the Brown Act.¹



As summarized in Chapter 1 of this Guide, it is clear that the Brown Act must be interpreted liberally in favor of open meetings, and exceptions that limit public access (including the exceptions for closed session meetings) must be narrowly construed.² The most common purposes of the closed session provisions in the Brown Act are to avoid revealing confidential information (e.g., prejudicing the city's position in litigation or compromising the privacy interests of employees). Closed sessions should be conducted keeping those narrow purposes in mind. It is not enough that a subject is sensitive, embarrassing, or controversial. Without specific authority in the Brown Act for a closed session, a matter to be considered by a legislative body must be discussed in public. As an example, a board of police commissioners cannot meet in closed session to provide general policy guidance to a police chief, even though some matters are sensitive and the commission considers their disclosure contrary to the public interest.³

PRACTICE TIP: Some problems over closed sessions arise because secrecy itself breeds distrust. The Brown Act does not require closed sessions and legislative bodies may do well to resist the tendency to call a closed session simply because it may be permitted. A better practice is to go into closed session only when necessary.

In this chapter, the grounds for convening a closed session are called “exceptions” because they are exceptions to the general rule that meetings must be conducted openly. In some circumstances, none of the closed session exceptions apply to an issue or information the legislative body wishes to discuss privately. In these cases, it is not proper to convene a closed session, even to protect confidential information. For example, although the Brown Act does authorize closed sessions related to specified types of contracts (e.g., specified provisions of real property agreements, employee labor agreements, and litigation settlement agreements),⁴ the Brown Act does not authorize closed sessions for other contract negotiations.

Agendas and reports

Closed session items must be briefly described on the posted agenda and the description must state the specific statutory exemption.⁵ An item that appears on the open meeting portion of the agenda may not be taken into closed session until it has been properly agendized as a closed session item or unless it is properly added as a closed session item by a two-thirds vote of the body after making the appropriate urgency findings.⁶

The Brown Act supplies a series of fill in the blank sample agenda descriptions for various types of authorized closed sessions, which provide a “safe harbor” from legal attacks. These sample

agenda descriptions cover license and permit determinations, real property negotiations, existing or anticipated litigation, liability claims, threats to security, public employee appointments, evaluations and discipline, labor negotiations, multi-jurisdictional law enforcement cases, hospital boards of directors, medical quality assurance committees, joint powers agencies, and audits by the California State Auditor's Office.⁷

If the legislative body intends to convene in closed session, it must include the section of the Brown Act authorizing the closed session in advance on the agenda and it must make a public announcement prior to the closed session discussion. In most cases, the announcement may simply be a reference to the agenda item.⁸

Following a closed session, the legislative body must provide an oral or written report on certain actions taken and the vote of every elected member present. The timing and content of the report varies according to the reason for the closed session and the action taken.⁹ The announcements may be made at the site of the closed session, so long as the public is allowed to be present to hear them.

If there is a standing or written request for documentation, any copies of contracts, settlement agreements, or other documents finally approved or adopted in closed session must be provided to the requestor(s) after the closed session, if final approval of such documents does not rest with any other party to the contract or settlement. If substantive amendments to a contract or settlement agreement approved by all parties requires retyping, such documents may be held until retyping is completed during normal business hours, but the substance of the changes must be summarized for any person inquiring about them.¹⁰

The Brown Act does not require minutes, including minutes of closed sessions. However, a legislative body may adopt an ordinance or resolution to authorize a confidential "minute book" be kept to record actions taken at closed sessions.¹¹ If one is kept, it must be made available to members of the legislative body, provided that the member asking to review minutes of a particular meeting was not disqualified from attending the meeting due to a conflict of interest.¹² A court may order the disclosure of minute books for the court's review if a lawsuit makes sufficient claims of an open meeting violation.

Litigation

There is an attorney/client relationship, and legal counsel may use it to protect the confidentiality of privileged written and oral communications to members of the legislative body — outside of meetings. But protection of the attorney/client privilege cannot by itself be the reason for a closed session.¹³

The Brown Act expressly authorizes closed sessions to discuss what is considered pending litigation. The rules that apply to holding a litigation closed session involve complex, technical definitions and procedures. The essential thing to know is that a closed session can be held by the body to confer with, or receive advice from, its legal counsel when open discussion would prejudice the position of the local agency in litigation in which the agency is, or could become, a party.¹⁴ The litigation exception under the Brown Act is narrowly construed and does not permit activities beyond a legislative body's conferring with its own legal counsel and required support staff.¹⁵ For example, it is not permissible to hold a closed session in which settlement negotiations take place between a legislative body, a representative of an adverse party, and a mediator.¹⁶

PRACTICE TIP: Pay close attention to closed session agenda descriptions. Using the wrong label can lead to invalidation of an action taken in closed session if not substantially compliant.

The California Attorney General has opined that if the agency's attorney is not a participant, a litigation closed session cannot be held.¹⁷ In any event, local agency officials should always consult the agency's attorney before placing this type of closed session on the agenda in order to be certain that it is being done properly.

Before holding a closed session under the pending litigation exception, the legislative body must publicly state the basis for the closed session by identifying one of the following three types of matters: existing litigation, anticipated exposure to litigation, or anticipated initiation of litigation.¹⁸

Existing litigation

- Q.** May the legislative body agree to settle a lawsuit in a properly-noticed closed session, without placing the settlement agreement on an open session agenda for public approval?
- A.** Yes, but the settlement agreement is a public document and must be disclosed on request. Furthermore, a settlement agreement cannot commit the agency to matters that are required to have public hearings.

Existing litigation includes any adjudicatory proceedings before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. The clearest situation in which a closed session is authorized is when the local agency meets with its legal counsel to discuss a pending matter that has been filed in a court or with an administrative agency and names the local

agency as a party. The legislative body may meet under these circumstances to receive updates on the case from attorneys, participate in developing strategy as the case develops, or consider alternatives for resolution of the case. Generally, an agreement to settle litigation may be approved in closed session. However, an agreement to settle litigation cannot be approved in closed session if it commits the city to take an action that is required to have a public hearing.¹⁹

Anticipated exposure to litigation against the local agency

Closed sessions are authorized for legal counsel to inform the legislative body of a significant exposure to litigation against the local agency, but only if based on "existing facts and circumstances" as defined by the Brown Act.²⁰ The legislative body may also meet under this exception to determine whether a closed session is authorized based on information provided by legal counsel or staff. In general, the "existing facts and

circumstances" must be publicly disclosed unless they are privileged written communications or not yet known to a potential plaintiff.

Anticipated initiation of litigation by the local agency

A closed session may be held under the exception for the anticipated initiation of litigation when the legislative body seeks legal advice on whether to protect the agency's rights and interests by initiating litigation.

Certain actions must be reported in open session at the same meeting following the closed



session. Other actions, as where final approval rests with another party or the court, may be announced when they become final and upon inquiry of any person.²¹ Each agency attorney should be aware of and make the disclosures that are required by the particular circumstances.

Real estate negotiations

A legislative body may meet in closed session with its negotiator to discuss the purchase, sale, exchange, or lease of real property by or for the local agency. A “lease” includes a lease renewal or renegotiation. The purpose is to grant authority to the legislative body’s negotiator on price and terms of payment.²² Caution should be exercised to limit discussion to price and terms of payment without straying to other related issues such as site design, architecture, or other aspects of the project for which the transaction is contemplated.²³



Q. May other terms of a real estate transaction, aside from price and terms of payment, be addressed in closed session?

A. *No. However, there are differing opinions over the scope of the phrase “price and terms of payment” in connection with real estate closed sessions. Many agency attorneys argue that any term that directly affects the economic value of the transaction falls within the ambit of “price and terms of payment.” Others take a narrower, more literal view of the phrase.*

The agency’s negotiator may be a member of the legislative body itself. Prior to the closed session, or on the agenda, the legislative body must identify its negotiators, the real property that the negotiations may concern²⁴ and the names of the parties with whom its negotiator may negotiate.²⁵

After real estate negotiations are concluded, the approval and substance of the agreement must be publicly reported. If its own approval makes the agreement final, the body must report in open session at the public meeting during which the closed session is held. If final approval rests with another party, the local agency must report the approval and the substance of the agreement upon inquiry by any person, as soon as the agency is informed of it.²⁶

“Our population is exploding, and we have to think about new school sites,” said Board Member Jefferson.

“Not only that,” interjected Board Member Tanaka, “we need to get rid of a couple of our older facilities.”

“Well, obviously the place to do that is in a closed session,” said Board Member O’Reilly. “Otherwise we’re going to set off land speculation. And if we even mention closing a school, parents are going to be in an uproar.”

A closed session to discuss potential sites is not authorized by the Brown Act. The exception is limited to meeting with its negotiator over specific sites — which must be identified at an open and public meeting.

PRACTICE TIP: Discussions of who to appoint to an advisory body and whether or not to censure a fellow member of the legislative body must be held in the open.

Public employment

The Brown Act authorizes a closed session “to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee.”²⁷ The purpose of this exception — commonly referred to as the “personnel exception” — is to avoid undue publicity or embarrassment for an employee or applicant for employment and to allow full and candid discussion by the legislative body; thus, it is restricted to discussing individuals, not general personnel policies.²⁸ The body must possess the power to appoint, evaluate, or dismiss the employee to hold a closed session under this exception.²⁹ That authority may be delegated to a subsidiary appointed body.³⁰

An employee must be given at least 24 hours notice of any closed session convened to hear specific complaints or charges against him or her. This occurs when the legislative body is reviewing evidence, which could include live testimony, and adjudicating conflicting testimony offered as evidence. A legislative body may examine (or exclude) witnesses,³¹ and the California Attorney General has opined that, when an affected employee and advocate have an official or essential role to play, they may be permitted to participate in the closed session.³² The employee has the right to have the specific complaints and charges discussed in a public session rather than closed session.³³ If the employee is not given the 24-hour prior notice, any disciplinary action is null and void.³⁴

However, an employee is not entitled to notice and a hearing where the purpose of the closed session is to consider a performance evaluation. The Attorney General and the courts have determined that personnel performance evaluations do not constitute complaints and charges, which are more akin to accusations made against a person.³⁵

Q. Must 24 hours notice be given to an employee whose negative performance evaluation is to be considered by the legislative body in closed session?

A. *No, the notice is reserved for situations where the body is to hear complaints and charges from witnesses.*

Correct labeling of the closed session on the agenda is critical. A closed session agenda that identified discussion of an employment contract was not sufficient to allow dismissal of an employee.³⁶ An incorrect agenda description can result in invalidation of an action and much embarrassment.

For purposes of the personnel exception, “employee” specifically includes an officer or an independent contractor who functions as an officer or an employee. Examples of the former include a city manager, district general manager or superintendent. Examples of the latter include a legal counsel or engineer hired on contract to act as local agency attorney or chief engineer.

Elected officials, appointees to the governing body or subsidiary bodies, and independent contractors other than those discussed above are not employees for purposes of the personnel exception.³⁷ Action on individuals who are not “employees” must also be public — including discussing and voting on appointees to committees, or debating the merits of independent contractors, or considering a complaint against a member of the legislative body itself.

The personnel exception specifically prohibits discussion or action on proposed compensation in closed session, except for a disciplinary reduction in pay. Among other things, that means there can be no personnel closed sessions on a salary change (other than a disciplinary reduction) between any unrepresented individual and the legislative body. However, a legislative body may address the compensation of an unrepresented individual, such as a city manager, in a closed session as part of a labor negotiation (discussed later in this chapter), yet another example of the importance of using correct agenda descriptions.

Reclassification of a job must be public, but an employee's ability to fill that job may be considered in closed session.

Any closed session action to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee must be reported at the public meeting during which the closed session is held. That report must identify the title of the position, but not the names of all persons considered for an employment position.³⁸ However, a report on a dismissal or non-renewal of an employment contract must be deferred until administrative remedies, if any, are exhausted.³⁹

"I have some important news to announce," said Mayor Garcia. "We've decided to terminate the contract of the city manager, effective immediately. The council has met in closed session and we've negotiated six months severance pay."

"Unfortunately, that has some serious budget consequences, so we've had to delay phase two of the East Area Project."

This may be an improper use of the personnel closed session if the council agenda described the item as the city manager's evaluation. In addition, other than labor negotiations, any action on individual compensation must be taken in open session. Caution should be exercised to not discuss in closed session issues, such as budget impacts in this hypothetical, beyond the scope of the posted closed session notice.

Labor negotiations

The Brown Act allows closed sessions for some aspects of labor negotiations. Different provisions (discussed below) apply to school and community college districts.

A legislative body may meet in closed session to instruct its bargaining representatives, which may be one or more of its members,⁴⁰ on employee salaries and fringe benefits for both represented ("union") and non-represented employees. For represented employees, it may also consider working conditions that by law require negotiation. For the purpose of labor negotiation closed sessions, an "employee" includes an officer or an independent contractor who functions as an officer or an employee, but independent contractors who do not serve in the capacity of an officer or employee are not covered by this closed session exception.⁴¹

These closed sessions may take place before or during negotiations with employee representatives. Prior to the closed session, the legislative body must hold an open and public session in which it identifies its designated representatives.

PRACTICE TIP: The personnel exception specifically prohibits discussion or action on proposed compensation in closed session except for a disciplinary reduction in pay.

PRACTICE TIP: Prior to the closed session, the legislative body must hold an open and public session in which it identifies its designated representatives.

During its discussions with representatives on salaries and fringe benefits, the legislative body may also discuss available funds and funding priorities, but only to instruct its representative. The body may also meet in closed session with a conciliator who has intervened in negotiations.⁴²

The approval of an agreement concluding labor negotiations with represented employees must be reported after the agreement is final and has been accepted or ratified by the other party. The report must identify the item approved and the other party or parties to the negotiation.⁴³ The labor closed sessions specifically cannot include final action on proposed compensation of one or more unrepresented employees.

Labor negotiations — school and community college districts

Employee relations for school districts and community college districts are governed by the Rodda Act, where different meeting and special notice provisions apply. The entire board, for example, may negotiate in closed sessions.

Four types of meetings are exempted from compliance with the Rodda Act:

1. A negotiating session with a recognized or certified employee organization;
2. A meeting of a mediator with either side;
3. A hearing or meeting held by a fact finder or arbitrator; and
4. A session between the board and its bargaining agent, or the board alone, to discuss its position regarding employee working conditions and instruct its agent.⁴⁴

Public participation under the Rodda Act also takes another form.⁴⁵ All initial proposals of both sides must be presented at public meetings and are public records. The public must be given reasonable time to inform itself and to express its views before the district may adopt its initial proposal. In addition, new topics of negotiations must be made public within 24 hours. Any votes on such a topic must be followed within 24 hours by public disclosure of the vote of each member.⁴⁶ The final vote must be in public.

Other Education Code exceptions

The Education Code governs student disciplinary meetings by boards of school districts and community college districts. District boards may hold a closed session to consider the suspension or discipline of a student, if a public hearing would reveal personal, disciplinary, or academic information about the student contrary to state and federal pupil privacy law. The student's parent or guardian may request an open meeting.⁴⁷

Community college districts may also hold closed sessions to discuss some student disciplinary matters, awarding of honorary degrees, or gifts from donors who prefer to remain anonymous.⁴⁸ Kindergarten through 12th grade districts may also meet in closed session to review the contents of the statewide assessment instrument.⁴⁹

Joint Powers Authorities

The legislative body of a joint powers authority may adopt a policy regarding limitations on disclosure of confidential information obtained in closed session, and may meet in closed session to discuss information that is subject to the policy.⁵⁰

PRACTICE TIP: Attendance by the entire legislative body before a grand jury would not constitute a closed session meeting under the Brown Act.

License applicants with criminal records

A closed session is permitted when an applicant, who has a criminal record, applies for a license or license renewal and the legislative body wishes to discuss whether the applicant is sufficiently rehabilitated to receive the license. The applicant and the applicant's attorney are authorized to attend the closed session meeting. If the body decides to deny the license, the applicant may withdraw the application. If the applicant does not withdraw, the body must deny the license in public, immediately or at its next meeting. No information from the closed session can be revealed without consent of the applicant, unless the applicant takes action to challenge the denial.⁵¹

Public security

Legislative bodies may meet in closed session to discuss matters posing a threat to the security of public buildings, essential public services, including water, sewer, gas, or electric service, or to the public's right of access to public services or facilities over which the legislative body has jurisdiction. Closed session meetings for these purposes must be held with designated security or law enforcement officials including the Governor, Attorney General, district attorney, agency attorney, sheriff or chief of police, or their deputies or agency security consultant or security operations manager.⁵² Action taken in closed session with respect to such public security issues is not reportable action.



Multijurisdictional law enforcement agency

A joint powers agency formed to provide law enforcement services (involving drugs; gangs; sex crimes; firearms trafficking; felony possession of a firearm; high technology, computer, or identity theft; human trafficking; or vehicle theft) to multiple jurisdictions may hold closed sessions to discuss case records of an on-going criminal investigation, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases.⁵³

The exception applies to the legislative body of the joint powers agency and to any body advisory to it. The purpose is to prevent impairment of investigations, to protect witnesses and informants, and to permit discussion of effective courses of action.⁵⁴

Hospital peer review and trade secrets

Two specific kinds of closed sessions are allowed for district hospitals and municipal hospitals, under other provisions of law.⁵⁵

1. A meeting to hear reports of hospital medical audit or quality assurance committees, or for related deliberations. However, an applicant or medical staff member whose staff privileges are the direct subject of a hearing may request a public hearing.
2. A meeting to discuss "reports involving trade secrets" — provided no action is taken.

A "trade secret" is defined as information which is not generally known to the public or competitors and which: 1) "derives independent economic value, actual or potential" by virtue of its restricted knowledge; 2) is necessary to initiate a new hospital service or program or facility; and 3) would, if prematurely disclosed, create a substantial probability of depriving the hospital of a substantial economic benefit.

The provision prohibits use of closed sessions to discuss transitions in ownership or management, or the district's dissolution.⁵⁶



Other legislative bases for closed session

Since any closed session meeting of a legislative body must be authorized by the Legislature, it is important to carefully review the Brown Act to determine if there is a provision that authorizes a closed session for a particular subject matter. There are some less frequently encountered topics that are authorized to be discussed by a legislative body in closed session under the Brown Act, including: a response to a confidential final draft audit report from the Bureau of State Audits,⁵⁷ consideration of the purchase or sale of particular pension fund investments by a legislative body of a local agency that invests pension funds,⁵⁸ hearing a charge or complaint from a member enrolled in a health plan by a legislative body of a local agency that provides Medi-Cal services,⁵⁹ discussions by a county board of supervisors that governs a health plan licensed pursuant to the Knox-Keene Health Care Services Plan Act related to trade secrets or contract negotiations

concerning rates of payment,⁶⁰ and discussions by an insurance pooling joint powers agency related to a claim filed against, or liability of, the agency or a member of the agency.⁶¹

PRACTICE TIP: Meetings are either open or closed. There is nothing “in between.”⁶²

Who may attend closed sessions

Meetings of a legislative body are either fully open or fully closed; there is nothing in between. Therefore, local agency officials and employees must pay particular attention to the authorized attendees for the particular type of closed session. As summarized above, the authorized attendees may differ based on the topic of the closed session. Closed sessions may involve only the members of the legislative body and only agency counsel, management and support staff, and consultants necessary for consideration of the matter that is the subject of closed session, with very limited exceptions for adversaries or witnesses with official roles in particular types of hearings (e.g., personnel disciplinary hearings and license hearings). In any case, individuals who do not have an official role in the closed session subject matters must be excluded from closed sessions.⁶³

Q. May the lawyer for someone suing the agency attend a closed session in order to explain to the legislative body why it should accept a settlement offer?

A. *No, attendance in closed sessions is reserved exclusively for the agency’s advisors.*

The confidentiality of closed session discussions

The Brown Act explicitly prohibits the unauthorized disclosure of confidential information acquired in a closed session by any person present, and offers various remedies to address breaches of confidentiality.⁶⁴ It is incumbent upon all those attending lawful closed sessions to protect the confidentiality of those discussions. One court has held that members of a legislative body cannot be compelled to divulge the content of closed session discussions through the discovery process.⁶⁵ Only the legislative body acting as a body may agree to divulge confidential closed session information; regarding attorney/client privileged communications, the entire body is the holder of the privilege and only the entire body can decide to waive the privilege.⁶⁶

Before adoption of the Brown Act provision specifically prohibiting disclosure of closed session communications, agency attorneys and the Attorney General long opined that officials have a fiduciary duty to protect the confidentiality of closed session discussions. The Attorney General issued an opinion that it is “improper” for officials to disclose information received during a closed session regarding pending litigation,⁶⁷ though the Attorney General has also concluded that a local agency is preempted from adopting an ordinance criminalizing public disclosure of closed session discussions.⁶⁸ In any event, in 2002, the Brown Act was amended to prescribe particular remedies for breaches of confidentiality. These remedies include injunctive relief; and, if the breach is a willful disclosure of confidential information, the remedies include disciplinary action against an employee, and referral of a member of the legislative body to the grand jury.⁶⁹

The duty of maintaining confidentiality, of course, must give way to the responsibility to disclose improper matters or discussions that may come up in closed sessions. In recognition of this public policy, under the Brown Act, a local agency may not penalize a disclosure of information learned during a closed session if the disclosure: 1) is made in confidence to the district attorney or the grand jury due to a perceived violation of law; 2) is an expression of opinion concerning the propriety or legality of actions taken in closed session, including disclosure of the nature and extent of the illegal action; or 3) is information that is not confidential.⁷⁰

The interplay between these possible sanctions and an official’s first amendment rights is complex and beyond the scope of this guide. Suffice it to say that this is a matter of great sensitivity and controversy.

“I want the press to know that I voted in closed session against filing the eminent domain action,” said Council Member Chang.

“Don’t settle too soon,” reveals Council Member Watson to the property owner, over coffee. “The city’s offer coming your way is not our bottom line.”

The first comment to the press may be appropriate if it is a part of an action taken by the City Council in closed session that must be reported publicly.⁷¹ The second comment to the property owner is not — disclosure of confidential information acquired in closed session is expressly prohibited and harmful to the agency.

PRACTICE TIP: There is a strong interest in protecting the confidentiality of proper and lawful closed sessions.

ENDNOTES:

- 1 California Government Code section 54962
- 2 California Constitution, Art. 1, section 3
- 3 61 Ops.Cal.Atty.Gen. 220 (1978); but see California Government Code section 54957.8 (multijurisdictional law enforcement agencies are authorized to meet in closed session to discuss the case records of ongoing criminal investigations, and other related matters).
- 4 California Government Code section 54957.1
- 5 California Government Code section 54954.5
- 6 California Government Code section 54954.2
- 7 California Government Code section 54954.5
- 8 California Government Code sections 54956.9 and 54957.7
- 9 California Government Code section 54957.1(a)
- 10 California Government Code section 54957.1(b)
- 11 California Government Code section 54957.2
- 12 *Hamilton v. Town of Los Gatos* (1989) 213 Cal.App.3d 1050; 2 Cal.Code Regs. section 18707
- 13 *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363
- 14 California Government Code section 54956.9; *Shapiro v. Board of Directors of Center City Development Corp.* (2005) 134 Cal.App.4th 170 (agency must be a party to the litigation).
- 15 82 Ops.Cal.Atty.Gen. 29 (1999)
- 16 *Page v. Miracosta Community College District* (2009) 180 Cal.App.4th 471
- 17 “*The Brown Act*,” California Attorney General (2003), p. 40
- 18 California Government Code section 54956.9(g)
- 19 *Trancas Property Owners Association v. City of Malibu* (2006) 138 Cal.App.4th 172
- 20 Government Code section 54956.9(e)
- 21 California Government Code section 54957.1
- 22 California Government Code section 54956.8
- 23 *Shapiro v. San Diego City Council* (2002) 96 Cal.App.4th 904; see also 93 Ops.Cal.Atty.Gen. 51 (2010) (redevelopment agency may not convene a closed session to discuss rehabilitation loan for a property already subleased to a loan recipient, even if the loan incorporates some of the sublease terms and includes an operating covenant governing the property); 94 Ops.Cal.Atty.Gen. 82 (2011) (real estate closed session may address form, manner and timing of consideration and other items that cannot be disclosed without revealing price and terms).
- 24 73 Ops.Cal.Atty.Gen. 1 (1990)
- 25 California Government Code sections 54956.8 and 54954.5(b)
- 26 California Government Code section 54957.1(a)(1)
- 27 California Government Code section 54957(b)
- 28 63 Ops.Cal.Atty.Gen. 153 (1980); but see *Duvall v. Board of Trustees* (2000) 93 Cal.App.4th 902 (board may discuss personnel evaluation criteria, process and other preliminary matters in closed session but only if related to the evaluation of a particular employee).
- 29 *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165; 85 Ops.Cal.Atty.Gen. 77 (2002)
- 30 *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165; 80 Ops.Cal.Atty. Gen. 308 (1997). Interviews of candidates to fill a vacant staff position conducted by a temporary committee appointed by the governing body may be done in closed session.

- 31 California Government Code section 54957(b)(3)
- 32 88 Ops.Cal.Atty.Gen. 16 (2005)
- 33 *Morrison v. Housing Authority of the City of Los Angeles* (2003) 107 Cal.App.4th 860
- 34 California Government Code section 54957(b); but see *Bollinger v. San Diego Civil Service Commission* (1999) 71 Cal.App.4th 568 (notice not required for closed session deliberations regarding complaints or charges, when there was a public evidentiary hearing prior to closed session).
- 35 78 Ops.Cal.Atty.Gen. 218 (1995); *Bell v. Vista Unified School District* (2000) 82 Cal.App.4th 672; *Furtado v. Sierra Community College* (1998) 68 Cal.App.4th 876; *Fischer v. Los Angeles Unified School District* (1999) 70 Cal.App.4th 87
- 36 *Moreno v. City of King* (2005) 127 Cal.App.4th 17
- 37 California Government Code section 54957
- 38 *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165
- 39 California Government Code section 54957.1(a)(5)
- 40 California Government Code section 54957.6
- 41 California Government Code section 54957.6(b); see also 98 Ops.Cal.Atty.Gen. 41 (2015) (a project labor agreement between a community college district and workers hired by contractors or subcontractors is not a proper subject of closed session for labor negotiations because the workers are not “employees” of the district).
- 42 California Government Code section 54957.6; and 51 Ops.Cal.Atty.Gen. 201 (1968)
- 43 California Government Code section 54957.1(a)(6)
- 44 California Government Code section 3549.1
- 45 California Government Code section 3540
- 46 California Government Code section 3547
- 47 California Education Code section 48918; but see *Rim of the World Unified School District v. Superior Court* (2003) 104 Cal.App.4th 1393 (Section 48918 preempted by the Federal Family Educational Right and Privacy Act in regard to expulsion proceedings).
- 48 California Education Code section 72122
- 49 California Education Code section 60617
- 50 California Government Code section 54956.96
- 51 California Government Code section 54956.7
- 52 California Government Code section 54957
- 53 *McKee v. Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force* (2005) 134 Cal. App.4th 354
- 54 California Government Code section 54957.8
- 55 California Government Code section 54962
- 56 California Health and Safety Code section 32106
- 57 California Government Code section 54956.75
- 58 California Government Code section 54956.81
- 59 California Government Code section 54956.86
- 60 California Government Code section 54956.87
- 61 California Government Code section 54956.95
- 62 46 Ops.Cal.Atty.Gen. 34 (1965)
- 63 82 Ops.Cal.Atty.Gen. 29 (1999)

- 64 Government Code section 54963
- 65 *Kleitman v. Superior Court* (1999) 74 Cal.App.4th 324, 327; see also California Government Code section 54963.
- 66 *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363
- 67 80 Ops.Cal.Atty.Gen. 231 (1997)
- 68 76 Ops.Cal.Atty.Gen. 289 (1993)
- 69 California Government Code section 54963
- 70 California Government Code section 54963
- 71 California Government Code section 54957.1

Updates to this publication responding to changes in the Brown Act or new court interpretations are available at www.cacities.org/opengovernment. A current version of the Brown Act may be found at www.leginfo.ca.gov.



Chapter 6

REMEDIES

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Chapter 6

REMEDIES



Certain violations of the Brown Act are designated as misdemeanors, although by far the most commonly used enforcement provisions are those that authorize civil actions to invalidate specified actions taken in violation of the Brown Act and to stop or prevent future violations. Still, despite all the safeguards and remedies to enforce them, it is ultimately impossible for the public to monitor every aspect of public officials' interactions. Compliance ultimately results from regular training and a good measure of self-regulation on the part of public officials. This chapter discusses the remedies available to the public when that self-regulation is ineffective.

Invalidation

Any interested person, including the district attorney, may seek to invalidate certain actions of a legislative body on the ground that they violate the Brown Act.¹ Violations of the Brown Act, however, cannot be invalidated if they involve the following types of actions:

- Those taken in substantial compliance with the law. No Brown Act violation is found when the given notice substantially complies with the Brown Act, even when the notice erroneously cites to the wrong Brown Act section, but adequately advises the public that the Board will meet with legal counsel to discuss potential litigation in closed session;²
- Those involving the sale or issuance of notes, bonds or other indebtedness, or any related contracts or agreements;
- Those creating a contractual obligation, including a contract awarded by competitive bid for other than compensation for professional services, upon which a party has in good faith relied to its detriment;
- Those connected with the collection of any tax; or
- Those in which the complaining party had actual notice at least 72 hours prior to the regular meeting or 24 hours prior to the special meeting, as the case may be, at which the action is taken.

Before filing a court action seeking invalidation, a person who believes that a violation has occurred must send a written "cure or correct" demand to the legislative body. This demand must clearly describe the challenged action and the nature of the claimed violation. This demand must be sent within 90 days of the alleged violation or 30 days if the action was taken in open session but in violation of Section 54954.2, which requires (subject to specific exceptions) that only properly agendaized items are acted on by the governing body during a meeting.³ The legislative body then has up to 30 days to cure and correct its action. If it does not act, any lawsuit must be filed within the next 15 days. The purpose of this requirement is to offer the body an opportunity to consider whether a violation has occurred and to weigh its options before litigation is filed.

Although just about anyone has standing to bring an action for invalidation,⁴ the challenger must show prejudice as a result of the alleged violation.⁵ An action to invalidate fails to state a cause of action against the agency if the body deliberated but did not take an action.⁶

Applicability to Past Actions

Any interested person, including the district attorney, may file a civil action to determine whether past actions of a legislative body occurring on or after January 1, 2013 constitute violations of the Brown Act and are subject to a mandamus, injunction, or declaratory relief action.⁷ Before filing an action, the interested person must, within nine months of the alleged violation of the Brown Act, submit a “cease and desist” letter to the legislative body, clearly describing the past action and the nature of the alleged violation.⁸ The legislative body has 30 days after receipt of the letter to provide an unconditional commitment to cease and desist from the past action.⁹ If the body fails to take any action within the 30-day period or takes an action other than an unconditional commitment, a lawsuit may be filed within 60 days.¹⁰

The legislative body’s unconditional commitment must be approved at a regular or special meeting as a separate item of business and not on the consent calendar.¹¹ The unconditional commitment must be substantially in the form set forth in the Brown Act.¹² No legal action may thereafter be commenced regarding the past action.¹³ However, an action of the legislative body in violation of its unconditional commitment constitutes an independent violation of the Brown Act and a legal action consequently may be commenced without following the procedural requirements for challenging past actions.¹⁴

The legislative body may rescind its prior unconditional commitment by a majority vote of its membership at a regular meeting as a separate item of business not on the consent calendar. At least 30 days written notice of the intended rescission must be given to each person to whom the unconditional commitment was made and to the district attorney. Upon rescission, any interested person may commence a legal action regarding the past actions without following the procedural requirements for challenging past actions.¹⁵

Civil action to prevent future violations

The district attorney or any interested person can file a civil action asking the court to:

- Stop or prevent violations or threatened violations of the Brown Act by members of the legislative body of a local agency;
- Determine the applicability of the Brown Act to actions or threatened future action of the legislative body;
- Determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid under state or federal law; or
- Compel the legislative body to tape record its closed sessions.

PRACTICE TIP: A lawsuit to invalidate must be preceded by a demand to cure and correct the challenged action in order to give the legislative body an opportunity to consider its options. The Brown Act does not specify how to cure or correct a violation; the best method is to rescind the action being complained of and start over, or reaffirm the action if the local agency relied on the action and rescinding the action would prejudice the local agency.



It is not necessary for a challenger to prove a past pattern or practice of violations by the local agency in order to obtain injunctive relief. A court may presume when issuing an injunction that a single violation will continue in the future where the public agency refuses to admit to the alleged violation or to renounce or curtail the practice.¹⁶ Note, however, that a court may not compel elected officials to disclose their recollections of what transpired in a closed session.¹⁷

Upon finding a violation of the Brown Act pertaining to closed sessions, a court may compel the legislative body to tape record its future closed sessions. In a subsequent lawsuit to enforce the Brown Act alleging a violation occurring in closed session, a court may upon motion of the plaintiff review the tapes if there is good cause to think the Brown Act has been violated, and make public the relevant portion of the closed session recording.

Costs and attorney's fees

Someone who successfully invalidates an action taken in violation of the Brown Act or who successfully enforces one of the Brown Act's civil remedies may seek court costs and reasonable attorney's fees. Courts have held that attorney's fees must be awarded to a successful plaintiff unless special circumstances exist that would make a fee award against the public agency unjust.¹⁸ When evaluating how to respond to assertions that the Brown Act has been violated, elected officials and their lawyers should assume that attorney's fees will be awarded against the agency if a violation of the Act is proven.

An attorney's fee award may only be directed against the local agency and not the individual members of the legislative body. If the local agency prevails, it may be awarded court costs and attorney's fees if the court finds the lawsuit was clearly frivolous and lacking in merit.¹⁹

Criminal complaints

A violation of the Brown Act by a member of the legislative body who acts with the improper intent described below is punishable as a misdemeanor.²⁰

A criminal violation has two components. The first is that there must be an overt act — a member of a legislative body must attend a meeting at which action is taken in violation of the Brown Act.²¹

"Action taken" is not only an actual vote, but also a collective decision, commitment or promise by a majority of the legislative body to make a positive or negative decision.²² If the meeting involves mere deliberation without the taking of action, there can be no misdemeanor penalty.

A violation occurs for a tentative as well as final decision.²³ In fact, criminal liability is triggered by a member's participation in a meeting in violation of the Brown Act — not whether that member has voted with the majority or minority, or has voted at all.

The second component of a criminal violation is that action is taken with the intent of a member "to deprive the public of information to which the member knows or has reason to know the public is entitled" by the Brown Act.²⁴

PRACTICE TIP: Attorney's fees will likely be awarded if a violation of the Brown Act is proven.

As with other misdemeanors, the filing of a complaint is up to the district attorney. Although criminal prosecutions of the Brown Act are uncommon, district attorneys in some counties aggressively monitor public agencies' adherence to the requirements of the law.

Some attorneys and district attorneys take the position that a Brown Act violation may be pursued criminally under Government Code section 1222.²⁵ There is no case law to support this view; if anything, the existence of an express criminal remedy within the Brown Act would suggest otherwise.²⁶

Voluntary resolution

Arguments over Brown Act issues often become emotional on all sides. Newspapers trumpet relatively minor violations, unhappy residents fume over an action, and legislative bodies clam up about information better discussed in public. Hard lines are drawn and rational discussion breaks down. The district attorney or even the grand jury occasionally becomes involved. Publicity surrounding alleged violations of the Brown Act can result in a loss of confidence by constituents in the legislative body. There are times when it may be preferable to consider re-noticing and rehearing, rather than litigating, an item of significant public interest, particularly when there is any doubt about whether the open meeting requirements were satisfied.

At bottom, agencies that regularly train their officials and pay close attention to the requirements of the Brown Act will have little reason to worry about enforcement.

ENDNOTES:

- 1 California Government Code section 54960.1. Invalidation is limited to actions that violate the following sections of the Brown Act: section 54953 (the basic open meeting provision); sections 54954.2 and 54954.5 (notice and agenda requirements for regular meetings and closed sessions); 54954.6 (tax hearings); 54956 (special meetings); and 54956.5 (emergency situations). Violations of sections not listed above cannot give rise to invalidation actions, but are subject to the other remedies listed in section 54960.1.
- 2 *Castaic Lake Water Agency v. Newhall County Water District* (2015) 238 Cal.App.4th 1196, 1198
- 3 California Government Code section 54960.1 (b) and (c)(1)
- 4 *McKee v. Orange Unified School District* (2003) 110 Cal. App.4th 1310, 1318-1319
- 5 *Cohan v. City of Thousand Oaks* (1994) 30 Cal.App.4th 547, 556, 561
- 6 *Boyle v. City of Redondo Beach* (1999) 70 Cal.App.4th 1109, 1116-17, 1118
- 7 Government Code Section 54960.2(a); Senate Bill No. 1003, Section 4 (2011-2012 Session)
- 8 Government Code Sections 54960.2(a)(1), (2)
- 9 Government Code Section 54960.2(b)



- 10 Government Code Section 54960.2(a)(4)
- 11 Government Code Section 54960.2(c)(2)
- 12 Government Code Section 54960.2(c)(1)
- 13 Government Code Section 54960.2(c)(3)
- 14 Government Code Section 54960.2(d)
- 15 Government Code Section 54960.2(e)
- 16 *California Alliance for Utility Safety and Education (CAUSE) v. City of San Diego* (1997) 56 Cal.App.4th 1024; *Common Cause v. Stirling* (1983) 147 Cal.App.3d 518, 524; *Accord Shapiro v. San Diego City Council* (2002) 96 Cal. App. 4th 904, 916 & fn.6
- 17 *Kleitman v. Superior Court* (1999) 74 Cal.App.4th 324, 334-36
- 18 *Los Angeles Times Communications, LLC v. Los Angeles County Board of Supervisors* (2003) 112 Cal. App.4th 1313, 1327-29 and cases cited therein
- 19 California Government Code section 54960.5
- 20 California Government Code section 54959. A misdemeanor is punishable by a fine of up to \$1,000 or up to six months in county jail, or both. California Penal Code section 19. Employees of the agency who participate in violations of the Brown Act cannot be punished criminally under section 54959. However, at least one district attorney instituted criminal action against employees based on the theory that they criminally conspired with the members of the legislative body to commit a crime under section 54949.
- 21 California Government Code section 54959
- 22 California Government Code section 54952.6
- 23 61 Ops.Cal.Atty.Gen.283 (1978)
- 24 California Government Code section 54959
- 25 California Government Code section 1222 provides that “[e]very wilful omission to perform any duty enjoined by law upon any public officer, or person holding any public trust or employment, where no special provision is made for the punishment of such delinquency, is punishable as a misdemeanor.”
- 26 The principle of statutory construction known as *expressio unius est exclusio alterius* supports the view that section 54959 is the exclusive basis for criminal liability under the Brown Act.

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BROWN ACT VIOLATIONS

Existing Methods of Reporting Brown Act Violations

1. OC District Attorney's Office – Special Prosecution Unit
2. Grand Jury (authorized under AB1945)
3. Attorney General

How to report violations

1. Majority Vote of the City Council in Open Session
2. Member of the Public submit to Enforcement Agency

Caution – Legislative Actions May be Voided

Meetings of public bodies must be "open and public," actions may not be secret, **and action taken in violation of open meetings laws may be voided.** (§§ 54953(a), 54953(c), 54960.1(d))

What are the Penalties for Violating the Brown Act?

If you are a public official, you need to take the Brown Act seriously. There are both criminal and civil penalties for violating the Brown Act. Participation in unauthorized meetings is a misdemeanor. There are specific remedies available for disclosure of confidential information obtained in closed session.

An action for an injunction or declaratory relief for violations of the Brown Act may be brought by any interested person or by the District Attorney. The court may order the action taken by the legislative body null and void. Prior to bringing an action, however, the complainant must make a demand on the legislative body to cure the defect. If the legislative body fails to cure, then the complainant may file suit.

Action by the legislative body will not be null and void if:

1. *The legislative body substantially complied with the provisions of the Brown Act.*
2. *The action involved the sale or issuance of notes, bonds or a contract with a third party.*
3. *The action was taken to collect a tax.*
4. *If the person had actual notice of the item of business within 72 hours prior to the meeting (or 24 hours for a special meeting) despite the lack of agenda.*
5. *A court may award court costs and reasonable attorneys' fees to any successful plaintiff. Local agencies may be entitled to attorneys' fees where the case is found to be frivolous and without any merit.*

Because the penalties for violation of the Act can be severe, it is imperative that all public officials acquaint themselves with the provisions of the Brown Act. The Act applies to legislative bodies of local agencies. Remember that a meeting includes every gathering of the majority of the members of the legislative body, with certain limited exceptions.

All meetings must be noticed with a posted agenda containing the necessary elements--a description of each item to be discussed, time and place of the meeting, and an opportunity for the public to address the legislative body. The reason for any closed session must be disclosed both on the agenda and orally prior to convening the closed session. Following the closed

session, an oral or written report of the action taken in closed session must be given which includes the vote of the legislative body members.

Meetings must be held in an accessible location within the jurisdiction. Any and all interested persons must have the opportunity to attend. All materials used by the members of the legislative body both in preparation for and at the meeting are public records.

Remember, it is always better to err on the side of openness to protect yourself. If you have any questions regarding the application of the Act to any part of your agendas, meetings or gatherings, whether informal or formal, seek legal advice.

Summary of Consequences of Violation.

- A. Criminal penalties-- misdemeanor where action taken in violation of the act.
- B. Civil remedies--
 - 1. Injunction, mandamus, declaratory relief
 - 2. Action may be voided following notice to correct, which must be received within 90 days, and acted on within 30 days, lawsuit filed within 15 days.
- C. Attorney fees
 - 1. Awarded against agency, not individual.

About the Orange County District Attorney's Office

The Office of the District Attorney's Special Prosecutions Unit is responsible for prosecuting political corruption. Political/public corruption includes all criminal acts that relate to the election to and/or holding of a public office. The integrity of the political process is vital to our democracy. Among the crimes in this category are campaign money laundering, candidate residency violations, Political Reform Act violations, conflicts of interest, misuse of public funds and Brown Act violations.

The Special Prosecutions Unit reviews all complaints of political corruption submitted to the District Attorney. Often the complaint is discussed with other agencies such as the United States Attorney, the California Attorney General and the California Fair Political Practices Commission. A determination is then reached as to which agency is best suited to handle the complaint. This decision is based on such considerations as the gravity of the violation, potential punishments and any possible conflicts of interest on the part of the District Attorney. If it is decided that the District Attorney can best handle the complaint, a thorough investigation is completed by the Special Assignments Unit of the District Attorney's Bureau of Investigations. A prosecutor specializing in these types of cases in the Special Prosecutions Unit then determines if there is sufficient evidence to prove a specific crime beyond a reasonable doubt. If so, that prosecutor will file charges and handle the case to its conclusion. The District Attorney believes that such crimes encroach on the fundamental democratic political process and should be vigorously prosecuted.

State Legislation Authorizing Grand Jury to Investigate Violations

Legislation, effective January 1, 2003 (AB 1945), confirms that it is a violation of the Brown Act to disclose confidential, closed session information.

Assembly Bill No. 1945

CHAPTER 1119

An act to add Section 54963 to the Government Code, relating to open meetings.

[Approved by Governor September 30, 2002.

Filed with Secretary of State September 30, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1945, Simitian. Open meetings: closed sessions: confidential information.

The Ralph M. Brown Act generally requires that the meetings of the legislative body of a local agency be conducted openly and publicly, but also provides that the legislative body of a local agency may hold closed sessions for specified purposes. The act provides that a member of a legislative body who attends a meeting of that body where action is taken in violation of the act, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under the act, is guilty of a misdemeanor.

This bill would provide that a person may not disclose confidential information, as defined, that has been acquired by being present in a closed session authorized under the act, as specified, unless the legislative body authorizes disclosure of that confidential information.

The bill would provide that a violation of these provisions may be addressed by the use of remedies that are currently available by law, including, but not limited to, injunctive relief to prevent the disclosure of confidential information under these provisions, disciplinary action against an employee who has willfully disclosed confidential information, and the referral of a member of a legislative body who has willfully disclosed confidential information to the grand jury for investigation and possible accusation under specified procedures. The bill would provide that a local agency may not take any of these actions against a person for making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, expressing an opinion concerning the propriety or legality of actions taken by a legislative body in closed session, including disclosing specified facts to a district attorney or grand jury to establish the illegality of action taken or potential illegality of action deliberated upon that would be illegal if the action is taken, or disclosing information acquired by being present in a closed session that is not confidential information.

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

SECTION 1. Section 54963 is added to the Government Code, to read:

54963. (a) A person may not disclose confidential information that has been acquired by being present in a closed session authorized by Section 54956.7, 54956.8, 54956.86, 54956.87, 54956.9, 54957, 54957.6, 54957.8, or 54957.10 to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.

(b) For purposes of this section, "confidential information" means a communication made in a closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session under this chapter.

(c) Violation of this section may be addressed by the use of such remedies as are currently available by law, including, but not limited to:

(1) **Injunctive relief** to prevent the disclosure of confidential information prohibited by this section.

(2) Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section.

(3) **Referral** of a member of a legislative body who has willfully disclosed confidential information in violation of this section to the **grand jury**.

(d) **Disciplinary action** pursuant to paragraph (2) of subdivision (c) shall require that the employee in question has either received training as to the requirements of this section or otherwise has been given notice of the requirements of this section.

(e) A local agency may not take any action authorized by subdivision (c) against a person, nor shall it be deemed a violation of this section, for doing any of the following:

(1) Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the illegality of an action taken by a legislative body of a local agency or the potential illegality of an action that has been the subject of deliberation at a closed session if that action were to be taken by a legislative body of a local agency.

(2) Expressing an opinion concerning the propriety or legality of actions taken by a legislative body of a local agency in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.

(3) Disclosing information acquired by being present in a closed session under this chapter that is not confidential information.

(f) Nothing in this section shall be construed to prohibit disclosures under the whistleblower statutes contained in Section 1102.5 of the Labor Code or Article 4.5 (commencing with Section 53296) of Chapter 2 of this code.

POLITICAL REFORM ACT VIOLATIONS

Referred to: Fair Political Practices Commission((FPPC)

Mission of the Enforcement Division:

The mission of the Fair Political Practices Enforcement Division is to fairly, effectively and efficiently enforce the provisions of the Political Reform Act.

What We Do:

The Act gives the Division the authority to investigate and administratively prosecute violations of the Political Reform Act. A violation of the Act may be prosecuted for a penalty fine of up to \$5,000 for each violation. The team of Enforcement Division investigators, attorneys, auditors, political reform consultants and support staff works vigorously to ensure that cases are handled swiftly, effectively and fairly.

Enforcement Process:

A matter will be fully investigated when there is sufficient information to believe that a violation of the Act has occurred. Information regarding potential violations of the Act comes from citizen complaints, referrals from other governmental agencies, media reports, audit findings or may be identified internally.

When sufficient evidence exists to prove a violation of the Act, the Enforcement Division will bring a prosecution action to the Commission, or may issue a Warning Letter, depending upon the facts of the case and the public harm caused. If the evidence is insufficient to warrant prosecution, a case may be closed with an Advisory Letter or without violation.

The Enforcement Division also operates a campaign audit program of both mandatory and discretionary audits.

How to File a Complaint:

Anyone who suspects a violation of the Act should file a sworn complaint with the Enforcement Division. To file a complaint click the button below.

Violations of the Act include:

- Conflict of interests,
- Campaign money laundering,
- Gift limit violations,
- Campaign mass mailing at public expense,
- Failure to file or report all interests on required Statements of Economic Interest
- Inadequate, untimely, or no filing of required campaign statements and reports,
- Improper campaign reporting,
- Improper receipt of campaign funds, including receiving funds from anonymous sources and contributions in excess of limits,
- Improper expenditures of campaign funds, including using campaign funds for personal use.

Violations do NOT include:

- False or misleading campaign materials,
- Election fraud,
- Misuse of public funds unrelated to campaign mass mailing,
- Violations of the Elections Code, the Penal Code, or any laws other than the Political Reform Act,
- Issues related to Federal campaigns,
- Open meeting law issues (Brown Act, Bagley-Keene),
- Local ordinances,
- Vandalism of campaign signs.
- Residency requirements for running for or holding office.

FPPC Toll-Free

1-866-ASK-FPPC (1-866-275-3772)

Monday through Thursday

9:00am - 11:30am

CODE OF ETHICS AND VALUES VIOLATIONS

Values based Code

- The City Attorney, or his/her designee, shall serve as a resource person to those persons covered by the code to assist them in determination of appropriate actions consistent with the Code.

Code associated with AB1234 (State's Ethics Training)

- Fair Political Practices Commission enforces AB1234 violations.

Code Adopted via Resolution on June 2, 2008

The people of the City of Santa Ana, at an election held on February 5, 2008, approved an amendment to the City Charter of the City of Santa Ana which states: "The City of Santa Ana shall adopt a Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees to assure public confidence in the integrity of local government elected and appointed officials." Consistent with the vote of the people, the following Code of Ethics and Conduct is hereby adopted by the City of Santa Ana to ensure effective and fair operation of the local government of the City of Santa Ana.

PREAMBLE

It is the intent of this code to achieve fair, ethical, and accountable local government for the City of Santa Ana. The people of Santa Ana expect public officials, both elected and appointed, to comply with both the letter and the spirit of the laws of the State of California, the United States of America, and the Charter, Municipal Code, and established policies of the City of Santa Ana affecting the operations of local government. In addition, public officials are expected to comply with the provisions of this Code of Ethics and Conduct established pursuant to the expressed will of the people. All persons covered by this code will aspire to meet the highest ethical standards in the conduct of their responsibility as an elected or appointed official of the City of Santa Ana.

This code addresses various aspects related to the governance of the City of Santa Ana and supplements, but does not supplant other laws and rules that prescribe the legal responsibilities of City officials. These include, but are not limited to, the Federal and State Constitutions, various provisions of the California Government Code (such as the Brown Act and the Political Reform Act), the Labor Code, laws prohibiting discrimination and harassment, and the City of Santa Ana Charter and Municipal Code. Elected and appointed officials are expected to be familiar with these laws to ensure that they exercise their public responsibilities in a proper fashion. This code is not designed to be used as a tool to remove appointed officials, as the City

Council retains the right under the Charter and Municipal Code to remove appointed officials in accordance with those provisions.

While it is not possible to anticipate and provide a rule of conduct and ethics for all situations that public officials may face, this Code of Ethics and Conduct is designed to provide a framework to guide public officials in their daily duties.

SCOPE

The provisions of this Code of Ethics and Conduct shall apply to the Mayor and members of the City Council, and to all members of the boards, commissions, and committees appointed by the City Council or the Mayor or the Mayor and City Council, including any *ad hoc* committees. Further, the provisions of this Code of Ethics and Conduct shall only apply to these officials and members acting in their official capacities and in the discharge of their duties.

CORE VALUES

Attitudes, words, and actions should demonstrate, support, and reflect the following qualities and characteristics for the well being of our community. The five core values and expressions that reflect these core values are as follows:

INTEGRITY/ HONESTY

- I am honest with my fellow elected officials, the public and others.
- I do not promise what I believe to be unrealistic.
- I am prepared to make unpopular decisions when my sense of the public's best interests requires it.
- I credit others' contributions to moving our community's interests forward.
- I do not knowingly use false or inaccurate information to support my position or views.
- I safeguard the ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial and social relationships and transactions that may compromise, or give the appearance of compromising, objectivity, independence, and honesty.

RESPONSIBILITY/PROTECTING THE PUBLIC'S INTERESTS

- I do not accept gifts, services or other special considerations because of my public position.
- I excuse myself from participating in decisions when my or my immediate family's financial interests may be affected by my agency's actions.
- I do not give special treatment or consideration to any individual or group beyond that available to any other individual.
- I refrain from disclosing confidential information concerning litigation, personnel, property, or other affairs of the City, without proper legal authority, nor use such information to advance my financial or other personal interests.

FAIRNESS/ACCOUNTABILITY

- I promote meaningful public involvement in the agency's decision-making processes.
- I treat all persons, claims and transactions in a fair and equitable manner; I make decisions based on the merits of the issue.
- If I receive substantive information that is relevant to a matter under consideration from sources outside the public decision-making process, I publicly share it with my fellow governing board members and staff.
- I work to contribute to a strong organization that exemplifies transparency and open communication.

RESPECT FOR FELLOW ELECTED OR APPOINTED OFFICIALS, STAFF, AND THE PUBLIC

- I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.
- I work towards consensus building and gain value from diverse opinions.
- I respect the distinction between the role of office holder and staff; I involve staff in meetings with individuals, those with business before the agency, officials from other agencies and legislators to ensure proper staff support and to keep staff informed
- I conduct myself in a courteous and respectful manner at all times during the performance of my official City duties.
- I encourage full participation of all persons and groups; I am aware and observe important celebrations and events which reflect the values of our diverse population.

PROPER AND EFFICIENT USE OF PUBLIC RESOURCES

- I do not use public resources, such as agency staff time, equipment, supplies or facilities, for private gain or personal purposes.
- I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the agency, especially its financial stability.
- I demonstrate concern for the proper use of agency assets (such as personnel, time, property, equipment, funds) and follow established procedures.
- I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the City and its residents.

IMPLEMENTATION AND ENFORCEMENT

City of Santa Ana elected and appointed officials of the various boards, commissions and committees have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. This code of ethics will be most effective when the elected and appointed officials are thoroughly familiar with it and embrace its provisions.

Upon adoption of this code, all current elected or appointed officials shall be given a copy of the code and asked to affirm in writing that they have received the code, understand its provisions, and pledge to conduct themselves by the code. All new members of the City Council, upon election or reelection, and members of boards, commissions, and committees appointed by the City Council, upon appointment or reappointment, shall be given a copy of the code and are required to affirm in writing they have received the code and understand its provisions, and pledge to conduct themselves by the code. Additionally, all members of the City Council, boards, commissions, and committees, as part of their AB1234 training, shall be provided additional training clarifying the provisions and application of this code. The City Attorney, or his/her designee, shall serve as a resource person to those persons covered by the code to assist them in determination of appropriate actions consistent with the code.

A periodic review of the code shall be conducted to ensure that the code is an effective and vital document.

This Code of Conduct is intended to be a reflection of the community's values as articulated by the Mayor and City Council as they represent the will of the people of the City of Santa Ana.

CHARTER AND MUNICIPAL CODE VIOLATIONS

No reporting mechanism; following Charter provisions may apply:

Charter Section 420. - Violation and penalty.

The City Council may make the violation of its ordinances a misdemeanor or infraction which may be prosecuted in the name of the People of the State of California or may be redressed by civil action and may prescribe punishment for such misdemeanor or infraction in the same manner as provided in the penal code of the State of California as the same now reads or as hereafter amended.

(Ord. No. NS-1642, 8-2-82, approved at election 11-2-82)

Charter Section 1100. - Investigations by the city council or city manager.

The City Council, the City Manager, or any person or committee authorized by either of them, shall have power to inquire into the conduct of any office, department, agency, or officer of the City and to make investigation as to City affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence.

Charter Section 1501. - Violations.

The violation of any provision of this charter shall be deemed a misdemeanor and be punishable upon conviction in the same manner as provided in the Penal Code of the State of California as the same now reads or as hereafter amended.

(Ord. No. NS-2074, § 9, 8-6-90, approved at election 11-6-90)



City of Santa Ana
City Council Handbook

Public Records Request

City of Santa Ana
20 Civic Center Plaza
Santa Ana, Ca 92701
(714) 647 - 6520

PUBLIC RECORDS ACT REQUEST

The California Public Records Act (CPRA) is California state law that gives the public the right to inspect and copy most records retained by governmental agencies in the course of business. In enacting the CPRA, the legislature declared "that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person" in the state (Gov. Code 6252 et seq.). The purpose of the CPRA is to safeguard the accountability of government to the public (Gov. Code 6250).

The City must respond to a CPRA request no later than 10 days from the date of receipt. For this reason, we strongly recommend that requests be date stamped the day they are received. However, the CPRA cannot be used to delay or obstruct the inspection or the copying of records. Thus, the City may not arbitrarily wait until the 10th day to provide easily identifiable and disclosable records. The City should notify the requestor immediately if a determination can be made sooner. Within the 10 day period, the City must do all of the following: (i) Determine whether the request seeks copies of records subject to disclosure; (ii) Promptly notify the person of the City's determination; and (iii) State reasons for the City's determination.

When the record contains both exempt and nonexempt materials, the nonexempt materials that may be reasonably segregated from the exempt materials are to be disclosed to satisfy the objectives of the CPRA. The City Attorney's Office will review potentially responsive records to determine whether a privilege or exemption may exclude disclosure of the document or whether the document should be redacted prior to disclosure.

When councilmember(s) are requested to provide electronic responsive records, two forms will be provided to each elected official. A Public Records Request Form submitted by the requestor and an affidavit which the elected official is obligated to complete, sign, and return to the Clerk of the Council no later than the date stated on the form.

Any questions you may have regarding the request, please contact **Jennifer Hall, Clerk of the Council**, by phone at (714) 647-5235 or cell at (714) 402-4949.



CITY OF SANTA ANA
PUBLIC RECORDS ACT REQUEST
COMPLIANCE AFFIDAVIT REGARDING PERSONAL
ELECTRONIC MESSAGING ACCOUNTS

OFFICE USE ONLY
PRR ID #:

STATE OF CALIFORNIA,
COUNTY OF ORANGE,
CITY OF SANTA ANA

I, _____ declare:
(Print name)

- 1. I received notice of a California Public Records Act ("CPRA") request regarding a search of my personal electronic messaging account(s).
2. I understand that the CPRA request seeks specific records that may or may not be in my possession and described in the attached request.
3. I am the owner or authorized user of personal electronic messaging accounts referenced in the attached CPRA request and have the authority to certify the records.
4. I have made a good faith, diligent, thorough, and complete search of all of my personal electronic messaging account(s) for all electronic communications potentially responsive to the above-mentioned CPRA request.
5. Any responsive electronic communications discovered, and referenced below, were prepared or used by me in the ordinary course of business at or near the time of the act, condition or event.
6. Any responsive electronic communications discovered, and referenced below, are true copies of all records described in the above-mentioned CPRA request.

Check the applicable box as it relates to your electronic personal messaging accounts:

- [] I certify that I have located and provided responsive electronic communications and have attached hereto.
[] I certify that I do not possess responsive electronic communications.
[] I certify that I cannot reasonably recover responsive electronic communications.

Four horizontal lines for text entry.

Explain efforts to retrieve responsive electronic communications and why you were unable to recover responsive electronic communications.

COMPLIANCE AFFIDAVIT REGARDING PERSONAL ELECTRONIC MESSAGING ACCOUNTS

| |
|-----------------|
| OFFICE USE ONLY |
| PRR ID #: _____ |

I certify that I discovered potentially responsive electronic communications from my personal electronic messaging account. I am providing all responsive information. However, some information is nonresponsive and I am withholding that information, because the information is personal business. This is for the following reasons:

Describe with sufficient facts why the contested information is personal business and not subject to the CPRA. Attach additional pages, if necessary.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I have personal knowledge of the facts set forth above.

Declaration of: _____
(Signature)

Executed this _____ day of _____ 20____, in _____, California.

Remit Declaration to the Clerk of the Council or City Attorney's Office by: _____
(Date)

Attachment: Copy of Public Records Request



City of Santa Ana
City Council Handbook

Boards and Commissions

Appointed Boards and Commission

The City of Santa Ana encourages residents to become involved in your community. One way to do so is to serve in an advisory capacity on one of the City's various boards and commissions. The City accepts applications on an on-going basis and keeps them active for a two-year period. Below is a summary of the various commissions including duties, compensation and requirements. Interested individuals may apply for appointment by following instructions below.

Requirements

The following apply to most Citizen Advisory Boards with the exception of the Youth Commission: Must be a registered voter and not serve as a treasurer of a political action committee.

Terms of Appointment

Most members serve for a term of four (4) years, with a maximum of three (3) full terms and until their respective successors are appointed and qualified. The terms run concurrent with the term of the appointing City Council member. The Mayoral representatives serve for two (2) years, up to four (4) consecutive terms.

[Arts and Culture Commission](#)

Meets:

3rd Thursday of the month
5:30 pm
City Council Chamber
22 Civic Center Plaza
Santa Ana, CA 92701

[Planning Commission](#)

Meets:

2nd & 4th Monday of the month
5:30 pm
City Council Chamber
22 Civic Center Plaza

[Community Development Commission](#)

Meets:

4th Wednesday of the month
4:30 pm
City Council Chamber
22 Civic Center Plaza

[Parks, Recreation and Community Services Commission](#)

Meets:

4th Wednesday of the month
5:30 pm
City Hall, Ross Annex, Room 1600
20 Civic Center Plaza,

[Environmental & Transportation Advisory Commission](#)

Meets:

2nd Tuesday of the month
7:30 am
City Hall, Ross Annex, Room 1600
20 Civic Center Plaza,

[Santa Ana 2018 Measure X Citizen Oversight Committee](#)

Requirements: [Resolution No.: 2019-034](#)

Meets:

2nd Wednesday of each quarter (March, June, September, and December 2019)
6:00 pm
City Hall, Ross Annex, Room 1600
20 Civic Center Plaza

[Historic Resources Commission](#)

Meets:

1st Thursday in January, April, and October
4:30 pm
City Council Chamber
22 Civic Center Plaza

[Youth Commission](#)

Meets:

3rd Friday of the month 5:30 pm
City Hall, Ross Annex, Room 1600
20 Civic Center Plaza,

[Personnel Board](#)

Meets:

4th Wednesday of the Month or
On an as needed basis
6:00 pm
City Council Chamber
22 Civic Center Plaza

[Workforce Development Board](#)

Meets:

3rd Thursday of odd months
8:00 am
Rancho Santiago Community College District Board
Room 107
2323 N. Broadway, Santa Ana, CA 92706

[Police Oversight Commission](#)

Meets: TBD

[Oversight Board](#)

Refer to County for details at:
<http://ocauditor.com/ob/>

Arts and Culture Commission

Liaison Agency

Community Development Agency

Meeting Day, Time and Place

3rd Thursday of the month 5:30 pm
City Council Chamber
22 Civic Center Plaza
Santa Ana, CA 92701

Responsibilities

1. The commission shall act as an advisory body to the city manager and the city council and make recommendations regarding but not limited to:
 - a. Policies, priorities and plans for the development and improvement of arts and cultural activities in Santa Ana, and in conjunction with other appropriate agencies, in the greater Santa Ana area.
 - b. Coordinating with the private sector and other governmental agencies in promoting arts and cultural excellence as a tool for the encouragement of economic development, business relocation and tourism.
 - c. Organizing and promoting activities which celebrate the city and its unique cultural heritage.
 - d. Allocation and budgeting of funds for arts and cultural funding.
 - e. Payments for the design, execution and placement of public art projects, within established appropriations for the art projects.
 - f. Encouraging the use of local artists in city public art projects.
 - g. Guidelines for accepting, selecting, purchasing, commissioning, placing and preserving art projects and other city art acquisitions, gifts or extended loans of art.
 - h. Deaccessioning of artworks, when necessary.
2. The commission shall advocate for arts education, cultural diversity, and other initiatives that further the growth and sustainability of the arts and cultural community in Santa Ana area.
3. The commission shall have such other powers and duties as may be appropriate in carrying out the purposes and goals of this division and as set forth in reports or recommendations adopted by the city council.
4. The commission shall consider matters referred to it by the city manager or the city council.

Membership

The arts and culture commission shall consist of seven (7) members. Members of the commission should be persons who are concerned about arts and cultural issues in the City of Santa Ana and should be persons who have professional expertise or substantial volunteer involvement in the following areas: Visual, performing or literary arts; Architecture, design or urban planning; Education; History; Science, film; or Arts and cultural institution management. The commissioners shall be subject to appointment and removal and shall serve terms in accordance with section 2-550 of the Santa Ana Municipal Code.

Membership Requirements:

- Qualified Elector of the City of Santa Ana
- Cannot be a treasurer of a Political Action Committee.
- Members prohibited from holding any paid office or employment in the city government.

Community Development Commission

Liaison Agency

Community Development Agency

Meeting Day, Time and Place

4th Wednesday of each month, 4:30 pm
Council Chambers
22 Civic Center Plaza 92701

Responsibilities

The Community Development Commission acts as an advisory body to the City Council and assists in soliciting citizen participation related to community development initiatives, programs and uses of Housing and Urban Development funds throughout the City.

The Commission provides recommendations and advice on affordable housing development projects and programs including: The Housing Choice Voucher Program (Section 8), low interest loans to develop affordable housing, and other federal and state programs administered by the Community Development Agency. The Commission will hold public hearings in accordance with Housing and Urban Development (HUD) requirements, review program/project funding requests, and provide Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Partnerships Program funding recommendations to the City Council. The Commission also provides recommendations regarding the Business Improvement District for Downtown Santa Ana.

Membership

Total of 9 members: 7 regular members, 2 tenant representatives.

Membership Requirements

- Qualified elector of the City of Santa Ana
- Cannot be a treasurer of a Political Action Commission
- No member of this commission shall have any direct or indirect interest in any current or planned Community Development Agency project
- One of the two tenant representatives must be at least 62 years of age

Environmental & Transportation Advisory Commission

Liaison Agency

Public Works Agency

Meeting Date, Time and Place

2nd Tuesday of each month at 7:30 am
Please call (714) 647-5662 for meeting information.
City Hall Ross Annex,
Room 1600
20 Civic Center Plaza
Santa Ana, CA 92701

Responsibilities

Santa Ana Municipal Code Sec. 33.184. Duties and responsibilities of the Environmental and Transportation Advisory Committee.

1. The duties of ETAC shall consist of acting in an advisory capacity to the city council in the study, review, and recommendations with regard to the removal, planting, replanting or disposition of public trees in the public right of way. ETAC shall review and make recommendations regarding requests for public tree removal by individual property owners, neighborhood associations, or developers. The ETAC shall make recommendations on designated species for specific streets and neighborhoods.
2. ETAC will assist in the dissemination of news and information regarding the protection, maintenance, removal and planting of public trees on public property to the city council and citizens of the City of Santa Ana.
3. ETAC, when requested by the city council, shall consider, investigate, make finding, report and recommend upon any special matters of question coming within the scope of the urban forest.
4. The duties of ETAC shall also consist of acting in an advisory capacity to the city council, in the study, review, and recommendation related to master planning of transportation and streetscape matters, and guiding principles on Water and Wastewater matters.
5. The ETAC shall provide general input regarding the City's Circulation Element, the Bicycle and Pedestrian Master Plans, and Citywide Complete Streets, and advice on major surface transportation programs. ETAC may also provide input on street environment, streetscape, and right of way aesthetics.

Membership

Total of 9 members: 7 regular members, 1 Santa Ana Chamber of Commerce representative, 1 Hispanic Chamber of Commerce of Orange County representative.

Membership Requirements

- Qualified elector of the City of Santa Ana
- Cannot be a treasurer of a Political Action Commission
- The two Chamber representatives are nominated by the respective Chamber of Commerce and are appointed by the City Council

Historic Resources Commission

Liaison Agency

Planning and Building Agency

Meeting Day, Time and Place

1st Thursday of the month, 4:30 pm
Santa Ana Council Chamber
22 Civic Center Plaza 92701

Responsibilities

Consider all matters that may be referred to it by the city council or the city manager and shall render its recommendations, counsel and advice in regards thereto. Carry out those duties enumerated in chapter 30 of this Code regarding places of historical and architectural significance. Advise and make recommendations to the city council on applications for properties to be included in financial incentive programs participated in by the city for the preservation of historic resources. Advise and make recommendations to the planning commission, city council and other city boards and commissions regarding historical projects and property. Recommend to the city council policies and regulations regarding the protection, reuse and rehabilitation of historical property. Recommend to the city council programs for the protection, retention and use of historic resources including utilizing federal, state, local and/or private funding sources and mechanisms, such as Certified Local Government Program, Mills Act Contracts, and the state Historic Building Code. Recommend to the city council programs that confer recognition upon the owners of designated historic resources. Encourage public understanding and involvement in historic and architectural heritage.

Membership

Total of 9 members: 7 regular members, 1 representative from the Planning Commission and 1 representative from the Community Development Commission.

Membership Requirements

- Qualified elector of the City of Santa Ana
- Cannot be a treasurer of a Political Action Commission
- Members should possess an expertise and experience in the disciplines of architecture, history, architectural history, planning or other historic preservation related disciplines, such as urban planning, to the extent that such professionals are available in the community

Personnel Board

Liaison Agency

Human Resource Department

Meeting Date, Time and Place

On an as needed basis at 6:00 pm
Santa Ana Council Chamber
22 Civic Center Plaza 92701

Responsibilities

Hear appeals pertaining to the disciplinary suspension, demotion, or dismissal of any officer or employee having permanent status in any office, position, or employment in the civil service; and as otherwise provided for in the civil service rules and regulations. Consider matters that may be referred to it by the City Council or the City Manager and render such counsel and advice in regard thereto as may be requested by the referring authorities. By its own motion, make such studies and investigations as it may deem necessary for the formulation of civil service policies, or to determine the wisdom and efficacy of the policies, plans and procedures dealing with civil service matters and report its findings and recommendations to the City Manager or the City Council, or to both such authorities, as it may see fit. Conduct public hearings on all proposed amendments to or repeal of civil service rules and regulations in the manner as prescribed by ordinance, and advise the council of its findings in such matters within sixty (60) days.

Membership

Total of 7 regular members.

Membership Requirements

- Qualified elector of the City of Santa Ana
- Cannot be a treasurer of a Political Action Commission
- None of the members shall hold public office or employment in the city government or be a candidate for any other public office or position
- None of the members shall be officers of any local, state, or national partisan political club or organization
- Members are not eligible for appointment to any salaried office or employment in the service of the City of Santa Ana for a period of one (1) year after leaving the Board for any reason
- Members of the Board may only be removed from office for cause

Planning Commission

Liaison Agency

Planning and Building Agency

Meeting Date, Time and Place

2nd and 4th Mondays of each month, 5:30 pm
Santa Ana Council Chambers
22 Civic Center Plaza 92701

Responsibilities

Periodically review the City's General Plan. Make studies and plans for future civic land use, including use as public recreation facilities. Annually review the City's capital improvement program solely for consistency with the General Plan. Exercise such functions as to land subdivisions, zoning and other City planning as may be prescribed by ordinance. By its own motion, make such studies and investigations as it may deem necessary for the formulation of planning and land use policies and report its findings and recommendations to the City Council or the City Manager, or to both such authorities, as it may see fit.

Membership

Total of 7 regular members.

Membership Requirements

- Qualified elector of the City of Santa Ana
- Cannot be a treasurer of a Political Action Committee
- Members prohibited from holding any paid office or employment in the city government

Parks, Recreation and Community Services Commission

Liaison Agency

Parks, Recreation and Community Services Agency

Meeting Day, Time, and Place

4th Wednesday of each month, 5:30 pm

City Hall

Ross Annex, Room 1600

20 Civic Center Plaza

Santa Ana, CA 92701

Responsibilities

Act in an advisory capacity to the City Council in matters pertaining to the acquisition, capital improvements, rehabilitation and maintenance of parks and recreational, cultural, zoo and facilities. Act in an advisory capacity and consider the proposed annual budget for the Parks, Recreation, and Community Services Agency and make recommendations to the City Manager and/or City Council. Act in an advisory capacity to the City Council in recommending policies and/or legislation on all matters pertaining to parks, recreation and community services. Perform such other duties as may be directed by the City Council. Act in an advisory capacity and provide a recommendation to the City Council and the City Manager as to the acceptance or rejection of offers of donations of money, personal property or real estate to be used for recreation and parks programs; and additionally, it shall make recommendations on the sale, transfer, or usage of existing or future park property. The commission shall report annually to the City Council on its goals and accomplishments.

Membership

Total of 7 members: 7 regular members.

Membership Requirements

- Qualified elector of the City of Santa Ana
- Cannot be a treasurer of a Political Action Commission
- Members prohibited from holding any paid office or employment in the city government

Youth Commission

Liaison Agency

Parks, Recreation and Community Services Agency

Meeting Day, Time, and Place

3rd Friday of each month, 5:00 pm

City Hall

Ross Annex, Room 1600

20 Civic Center Plaza

Santa Ana, CA 92701

Responsibilities

Act in an advisory capacity to the City Council in matters pertaining to youth and teen services, programs, and cooperation with other public and/or private agencies. Act in an advisory capacity and consider the proposed annual budget for the Parks, Recreation and Community Services Agency and make recommendations regarding youth services to the City Manager and/or City Council. Act in an advisory capacity to the City Council in recommending policies and/or legislation for improving the position of the youth in the City of Santa Ana. Perform such other duties as may be directed by the City Council.

Membership

Total of 7 members

- 7 Regular members – grades 7th – 12th

Membership Requirements

- Must be students who reside in the City of Santa Ana
- Must have consent of parent or guardian to qualify for appointment if under the age of 18
- Members over the age of 18 must be registered voters in the City of Santa Ana

Santa Ana 2018 Measure X Citizen Oversight Committee

Liaison Agency

Finance and Management Services

Meeting Day, Time, and Place

2nd Wednesday of each quarter, 6:00 pm (March, June, September, and December)

City Hall

Ross Annex, Room 1600

20 Civic Center Plaza

Santa Ana, CA 92701

Responsibilities

Act in an advisory role to the City Council in reviewing the annual revenue and expenditures of funds from the tax authorized by Measure X adopted by voters of the City of Santa Ana on November 6, 2018.

Membership

Total of 7 members

Membership Requirements

- Qualified resident of the City of Santa Ana
- Each Committee member shall have a term that coincides with the City Council Member who appointed the Committee Member
- Mayor shall select one Committee Member at large, who must have financial expertise
- Committee members are volunteers and are not paid compensation by the City for serving on the Committee

Police Oversight Commission

Liaison Agency

Police Department

Meeting Day, Time, and Place

TBD

Responsibilities

The purpose of the Commission shall be to improve transparency, increase the accountability of and public confidence in the Santa Ana Police Department and to provide for an Independent Oversight Director. The purpose of the Commission is to act through the Independent Oversight Director to provide the Chief of Police, City Manager, and City Council independent investigations of, analysis, and recommendations on police practices, police misconduct, officer -involved shootings, and other serious uses of force.

Membership

Total of 7 members

Membership Requirements

- Qualified resident of the City of Santa Ana
- Elected or appointed officers and employees serving the City shall not be eligible for appointment to the Commission.
- Retired peace officers or peace officers who have separated from public service shall not be eligible for appointment to the Commission unless at least five (5) years has passed from the date of their separation from the governmental entity with which they were previously employed. Only one former or retired peace officer, who is appointed first in time, may serve on the Commission at any given time. " Peace officer" as used herein shall have the same meaning and definition as set forth in California Penal Code section 830 et seq.
- Practicing attorneys who handle, or are members of firms or entities that currently handle, criminal or civil matters involving the Santa Ana Police Department are ineligible to serve on the Commission.



CITY OF SANTA ANA

Current Members on all Boards and Commissions

| BOARD | | | | | | | |
|-----------|------------|----------|--------------|------|--------|--------|-------|
| LAST NAME | FIRST NAME | POSITION | SERVING WARD | APPT | REAPPT | EXPIRE | RESWD |

Arts and Culture Commission

| | | | | | | | |
|-----------|----------|------------|-----------|------------|--|------------|---|
| Andres | Ann | NA | City-Wide | 10/15/2019 | | 12/8/2020 | 3 |
| Cha | Jessica | Vice Chair | 5 | 03/21/2017 | | 12/8/2020 | 1 |
| Escamilla | Manuel | NA | 1 | 02/18/2020 | | 12/8/2020 | 4 |
| Garcia | Rosa | NA | 3 | 01/17/2017 | | 12/8/2020 | 4 |
| Gutierrez | Frank | NA | 6 | 06/16/2020 | | 12/13/2022 | 5 |
| MacNair | Robyn | NA | 4 | 10/06/2020 | | 12/13/2022 | 5 |
| Oliva | Jennifer | NA | 2 | 01/15/2019 | | 12/13/2022 | 4 |

Civic Center Authority

BOARD

| LAST NAME | FIRST NAME | POSITION | SERVING WARD | APPT | REAPPT | EXPIRE | RESWD |
|--|------------|--|--------------|------------|------------|------------|-------|
| Ridge | Kristine | NA | | 12/11/2019 | | | |
| <hr/> | | | | | | | |
| <u>Community Development Commission</u> | | | | | | | |
| Afusia | Roy | NA | 6 | 06/16/2020 | | 12/13/2022 | 1 |
| Aguinaga | Cecilia | NA | 3 | 01/15/2019 | | 12/8/2020 | 3 |
| Covington | Winston | NA | 4 | 02/04/2020 | | 12/13/2022 | 3 |
| Frazier | Vince | Sec. 8 Tenant | NA | 08/01/2017 | | | 2 |
| Garcia | Monica O. | NA | City-Wide | 06/06/2011 | 10/01/2019 | 12/8/2020 | 2 |
| Perez | Jim | NA | 5 | 02/05/2019 | | 12/8/2020 | 3 |
| Sanchez | Roxana | Student Rep / Ex Officio/Non-Voting | NA | 07/16/2019 | | 12/8/2020 | NA |
| Santana | Richard | Vice Chair | 1 | 05/02/2017 | | 12/8/2020 | 1 |

BOARD

| LAST NAME | FIRST NAME | POSITION | SERVING WARD | APPT | REAPPT | EXPIRE | RESWD |
|-----------|------------|-------------------|--------------|------------|--------|------------|-------|
| VACANT | | NA | 2 | | | 12/13/2022 | |
| Vasquez | Gilbert | Sr. Sec. 8 Tenant | NA | 12/03/2019 | | | 3 |

Environment and Transportation Advisory Commission (ETAC)

| | | | | | | | |
|------------|----------------|-------------------------|------------|------------|--|------------|---|
| Bailon | Nancy Sandoval | | 2 | 12/18/2018 | | 12/13/2022 | 2 |
| Benninger | Carl | NA | 4 | 12/17/2019 | | 12/13/2022 | 4 |
| Germain | Brian | NA | 6 | 06/16/2020 | | 12/13/2022 | 3 |
| Gonzalez | Miguel "Mike" | NA | 5 | 03/21/2017 | | 12/8/2020 | 2 |
| Klein | Lawrence | NA | 3 | 11/20/2018 | | 12/8/2020 | 3 |
| Macres | Michael "Mike" | NA | 1 | 03/21/2017 | | 12/8/2020 | 1 |
| McLoughlin | Janelle | Chair/S.A. Chamber Rep. | SA Chamber | 05/05/2015 | | | 3 |

BOARD

| LAST NAME | FIRST NAME | POSITION | SERVING WARD | APPT | REAPPT | EXPIRE | RESWD |
|---|------------|-------------------|------------------|------------|------------|------------|-------|
| Oregel | Daniel | NA | City-Wide | 05/15/2018 | 10/01/2019 | 12/8/2020 | 3 |
| VACANT | | Hisp Chamber Rep. | Hispanic Chamber | | | 12/11/2018 | |
| <u>Historic Resources Commission</u> | | | | | | | |
| Christy | Alberta D. | Chair | 4 | 12/17/2019 | | 12/13/2022 | 6 |
| Contreras-Leo | Cynthia | Plan. Comm. Rep. | PC Rep | 08/13/2018 | | 7/31/2019 | |
| Hardy | Ginelle | NA | 2 | 12/17/2019 | | 12/13/2022 | 2 |
| Hitterdale | Laurence | NA | 1 | 02/01/2010 | | 12/8/2020 | 1 |
| Murashie | Edward | NA | 3 | 02/21/2017 | | 12/8/2020 | 3 |
| Pena Sarmiento | Sandra | NA | 6 | 07/07/2020 | | 12/13/2022 | 2 |
| Rush | Tim | NA | 5 | 02/07/2017 | | 12/8/2020 | 2 |

BOARD

| LAST NAME | FIRST NAME | POSITION | SERVING WARD | APPT | REAPPT | EXPIRE | RESWD |
|---------------|------------|------------|--------------|------------|------------|-----------|-------|
| Schaefer | Phillip | Vice Chair | City-Wide | 07/18/2011 | 10/01/2019 | 12/8/2020 | 3 |
| VACANT | | CRHC Rep. | CRHC. Rep. | | | | |

Parks, Recreation and Community Services Commission

| | | | | | | | |
|----------------|----------|-------|-----------|------------|------------|------------|---|
| Aleman | Luis | NA | 3 | 01/15/2019 | | 12/8/2020 | 3 |
| Escobar | Sergio | NA | 6 | 06/16/2020 | | 12/13/2022 | 6 |
| Gomez | Angie | NA | 2 | 12/18/2018 | | 12/13/2022 | 1 |
| Macias | Irma | NA | City-Wide | 12/05/2017 | 10/01/2019 | 12/8/2020 | 2 |
| Nelson | Cory | NA | 4 | 03/03/2020 | | 12/13/2022 | 5 |
| Sanchez | Humberto | NA | 1 | 01/17/2017 | | 12/8/2020 | 3 |
| Velarde-Garcia | Ofelia | Chair | 5 | 01/17/2017 | | 12/8/2020 | 1 |

BOARD

| LAST NAME | FIRST NAME | POSITION | SERVING WARD | APPT | REAPPT | EXPIRE | RESWD |
|-----------|------------|----------|--------------|------|--------|--------|-------|
|-----------|------------|----------|--------------|------|--------|--------|-------|

Personnel Board

| | | | | | | | |
|----------|--------------|-------|-----------|------------|------------|------------|---|
| Ballinas | Berenice | NA | 4 | 02/04/2020 | | 12/13/2022 | 4 |
| Matzkin | Andres | NA | City-Wide | 09/05/2017 | 10/01/2019 | 12/8/2020 | 3 |
| Najera | Stephanie A. | NA | 5 | 12/20/2016 | | 12/8/2020 | 5 |
| Naranjo | Denise | NA | 6 | 06/16/2020 | | 12/13/2022 | 4 |
| Rivera | Angie | NA | 2 | 01/15/2019 | | 12/13/2022 | 4 |
| Rivera | Maria Isabel | NA | 1 | 04/19/2010 | 03/21/2017 | 12/8/2020 | 1 |
| Wootan | Dennis W. | Chair | 3 | 01/17/2017 | | 12/8/2020 | 3 |

Planning Commission

| | | | | | | | |
|----------|--------|----|---|------------|--|------------|---|
| Calderon | Miguel | NA | 2 | 11/17/2020 | | 12/13/2022 | 2 |
|----------|--------|----|---|------------|--|------------|---|

BOARD

| LAST NAME | FIRST NAME | POSITION | SERVING WARD | APPT | REAPPT | EXPIRE | RESWD |
|---------------|------------|------------|--------------|------------|------------|------------|-------|
| Contreras-Leo | Cynthia | Vice Chair | 5 | 12/20/2016 | | 12/8/2020 | 6 |
| Garcia | Norma | NA | 1 | 12/03/2019 | | 12/8/2020 | 3 |
| McLoughlin | Mark S. | Chair | City-Wide | 01/19/2016 | 10/01/2019 | 12/8/2020 | 3 |
| Morrissey | Tom | NA | 6 | 07/07/2020 | | 12/13/2022 | 3 |
| Nguyen | Kenneth | NA | 3 | 12/20/2016 | | 12/8/2020 | 4 |
| Phan | Thai Viet | NA | 4 | 12/17/2019 | | 12/13/2022 | 6 |

Santa Ana 2018 Measure X Citizen Oversight Committee

| | | | | | | | |
|-------------|---------|----|-----------|------------|--|------------|---|
| Johnson | Tim | | City-Wide | 06/18/2019 | | 12/8/2020 | 3 |
| Karaguezian | Lori | NA | 6 | 06/16/2020 | | 12/13/2022 | 4 |
| Landaverde | Abigail | | 2 | 05/21/2019 | | 12/13/2022 | 4 |

BOARD

| LAST NAME | FIRST NAME | POSITION | SERVING WARD | APPT | REAPPT | EXPIRE | RESWD |
|-----------|-------------|----------|--------------|------------|--------|------------|-------|
| Leo | Christopher | | 5 | 05/21/2019 | | 12/8/2020 | 6 |
| Lewis | Nancy | | 4 | 10/06/2020 | | 12/13/2022 | 4 |
| Lugo | Alonzo | | 3 | 05/21/2019 | | 12/8/2020 | 3 |
| Perea | Carlos | | 1 | 02/18/2020 | | 12/8/2020 | 5 |

Youth Commission

| | | | | | | | |
|-----------|------------|--|-----------|------------|--|------------|---|
| Echegoyen | Cielo | | City-Wide | 03/03/2020 | | 12/8/2020 | 2 |
| Huizar | Alessandra | | 4 | 10/20/2020 | | 12/13/2022 | 3 |
| Manguilar | Jacquelyn | | 6 | 10/06/2020 | | 12/13/2022 | 6 |
| Medina | Andres | | 5 | 10/06/2020 | | 12/8/2020 | 5 |
| Ordoñez | Andreanela | | 2 | 08/20/2019 | | 12/13/2022 | 2 |

BOARD

| LAST NAME | FIRST NAME | POSITION | SERVING WARD | APPT | REAPPT | EXPIRE | RESWD |
|-----------|------------|----------|-----------------|------|--------|--------|-------|
|-----------|------------|----------|-----------------|------|--------|--------|-------|

VACANT

3

12/8/2020

VACANT

1

12/8/2020



City of Santa Ana
City Council Handbook

Regional Board Information

Regional Board Information

The Mayor and City Council represent the City's interest in regional issues by serving on a number of regional boards which make public policy decisions in the areas of transportation, water resources, fire services, and government facilities.

The City Council reviews regional board appointees on an annual basis and can make necessary changes. Councilmembers currently seated will need to express to City Clerk their continuous interest in serving in their current capacity to place on agenda for Council consideration. Attached is a list of current representatives, meeting dates, compensation and other pertinent information on each board.

The following is a list of regional boards and appointing authority:

- **Metropolitan Water District:**

The Metropolitan Water District of Southern California is a regional wholesaler that delivers water to 26 member public agencies – 14 cities, 11 municipal water districts, one county water authority – which in turn provides water to more than 19 million people in Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura counties. Metropolitan is governed by a 38-member board of directors who represent their respective member agencies ensuring each member agency is part of the governance of Metropolitan.

A board member is appointed by the majority of the City Council (member does not have to be elected official).

- **Newport Bay Watershed Executive Committee:**

The Newport Bay Watershed Executive Committee (Executive Committee is the successor to the Upper Newport Bay Sediment Control Executive Committee established through a cooperative agreement in the early 1980s. The Executive Committee was formed by amendment of the cooperative agreement in 1999, and now includes in its interests the impairments of Newport Bay caused by nutrients, toxics, and pathogens in addition to sediment, as well as related environmental enhancements.

Members of the Executive Committee are elected, appointed, or executive level managers, with one member from each of the signatories to the agreement (the County member, however, represents both the County and the Orange County Flood Control District). The Executive Committee provides strategic direction for environmental enhancement programs in the watershed, advocacy of these programs to the elected/appointed boards of the member organizations, and a forum for discussion of watershed environmental issues.

Current representative is Executive Director of Public Works, Nabil Saba.

Regional Board Information

- **Orange County Fire Authority (OCFA):**

The Orange County Fire Authority Board of Directors has twenty-five members and sets policy according to its adopted Rules of Procedures. Twenty-three of the members represent partner cities, and two members represent the county unincorporated area. A board member is appointed by the majority of the City Council. Selection must be authorized by resolution.

A board member is appointed by the majority of the City Council.

- **Orange County Sanitation District (OCSD) Board:**

The Orange County Sanitation District is a wastewater treatment facility that serves Orange County, California. It consists of two operating plants, referred to as Plant No. 1 located in Fountain Valley and Plant No. 2 located in Huntington Beach. It is the third largest wastewater treatment facility west of the Mississippi River. OCSD and the Orange County Water District were awarded the Stockholm Industry Water Award in 2008 for pioneering work to develop with Trojan Technologies the Groundwater Replenishment System, the world's largest water purification plant for groundwater recharge.

A board member and alternate are appointed by the majority of the City Council.

- **Orange County Vector Control:**

The Orange County Vector Control Board is an independent special district dedicated to controlling rats, mosquitoes, and other disease carrying and public health pests. Activities also include surveillance of vectors and vector-borne diseases, public education services and identification of public health pests. Each Trustee is appointed by the city they represent to serve a two or four-year term.

Current representative, Cecilia Aguinaga, was appointed to a term that will expire on January 2024. Representative may only be removed for cause.

- **Orange County Water District:**

The Orange County Water District manages, replenishes and protects the Orange County Groundwater Basin—Orange County's largest source of drinking water. The 270-square-mile basin provides approximately 75 percent of the water supply to more than 2.5 million residents in north and central Orange County. The District's boundaries are highlighted on the map below, which also illustrates which OCWD director serves a given community.

A 10-member board of directors governs the District and implements policies that foster sound management of the basin, as well as support the advancement of OCWD's mission to provide an adequate, reliable, high-quality water supply at the lowest reasonable cost in an environmentally responsible manner. Seven board members are elected and three are appointed by Anaheim, Fullerton and Santa Ana city councils.

A board member is appointed by the majority of the City Council.

Regional Board Information

- **Southern California Association of Governments (SCAG) District #16:**

An association representing six (6) counties (Imperial, Los Angeles, Orange, Riverside, San Bernardino and Ventura) that works to develop regional plans for transportation, growth management, housing development, air quality and other issues of regional significance.

A board member is appointed by the majority of the City Council.

- **Orange County Council of Governments (OCCOG)**

OCCOG representatives also serve on SCAG committees and Regional Council to make sure Orange County's voice is heard when regional policy-making takes place. OCCOG is governed by an 18-member Board of Directors. As the subregional planning agency for Orange County, OCCOG is also responsible for conducting the elections for Southern California Association of Governments (SCAG) representatives for Orange County. Members of the OCCOG Board of Directors represent cities within their respective SCAG district and serve on the SCAG Regional Council. OCCOG also selects Orange County's 12 SCAG committee representatives.

SCAG board member representative serves as the board member for OCCOG. An alternate board member is appointed by the majority of the City Council.

- **Transportation System Improvement Authorities - Orange & Tustin (TSIA):**

Formed in 1990, City of Santa Ana approved a joint authority with the Cities of Orange and Tustin to improve areas of mutual interests.

A board member and alternate are appointed by the majority of the City Council for each of the two (2) Authorities.

- **Transportation Corridor Agencies (TCA) – Foothill/Eastern:**

Joint Powers Authority formed in 1986 to design, finance, construct and operate the three Orange County toll roads. The Agency is in the process of merging all toll roads under the direction of one board.

A board member and alternate are appointed by the majority of the City Council.

**CITY OF SANTA ANA
2019-20 REGIONAL BOARD MEMBERS**

| BOARD | CURRENT MEMBER | POSITION | MEETINGS | COMPENSATION / REMUNERATION | TERM EXPIRES |
|--|------------------------------|-----------------|---|--|-------------------------------|
| Metropolitan Water District Board (MWD) | Jose Solorio | Rep. | Board Mtgs 2nd Tues of mo. @ 12:00 with Cmte mtgs at 8 a.m.; Cmte Mtgs 4th Tues all day | Mileage reimbursement from MWD | 12/8/2020 |
| Newport Bay Watershed Executive Committee | Kristine Ridge, City Manager | Rep. | Quarterly the 3 rd Wednesday from 1:30-3:00 at Irvine Ranch Water District, 15600 Sand Canyon Ave, Irvine, 92618 | None | 12/8/2020 |
| OC Sanitation District * | David Penalzoza | Alt. | Meets once a month on the 4th Wed. at 6 p.m. | \$212.50/Mtg. Max 6/Mo. Plus mileage | 12/8/2020 |
| OC Sanitation District * | Nelida Mendoza | Rep. | Meets once a month on the 4th Wednesday at 6 p.m. | \$212.50/Mtg. Max 6/Mo. Plus mileage | 12/08/2020 |
| OC Vector Control District | Cecilia Aguinaga | Rep. | Meets on 3 rd Thursday at 3 pm. | \$100/Mtg. | 1/1/2024 |
| Orange County Council of Governments Board of Directors (OCCOG) * | Jose Solorio | Alt. | Meets once a month on the 4th Thurs. at 10:30 a.m. | | 12/8/2020 |
| Orange County Council of Governments Board of Directors (OCCOG) * | Phil Bacerra | Rep. | Meets once a month on the 4th Thurs. at 10:30 a.m. | None | 12/8/2020 |
| Orange County Fire Authority (OFCA) * | Juan Villegas | Rep. | Every 4 th Thursday of the Month at 6:30 p.m. | \$100 per mtg.; max \$300 | Requires Resolution 12/8/2020 |
| Orange County Water District* | Vicente Sarmiento | Rep. | 1st & 3rd Wednesday at 5:30 p.m., 18700 Ward St., Fountain Valley, CA – Committees at various times / dates | \$221.12/ Day Max 10 mtgs./Mo. Plus mileage \$0.50 | 12/8/2020 |
| S.A./ Orange T.S.I.A. | Vacant | Alt. | As needed. | None | |
| S.A./ Orange T.S.I.A. | David Penalzoza | Rep. | As needed. | None | 12/8/2020 |
| S.A./ Tustin T.S.I.A. | Vacant | Alt. | Meets quarterly, 4th Thurs. at 4 p.m. | None | |
| S.A./ Tustin T.S.I.A. | David Penalzoza | Rep. | Meets quarterly, 4th Thurs. at 4 p.m. | None | 12/8/2020 |
| Southern California Association of Governments (SCAG) * | Phil Bacerra | Rep. | District 16 - Meets 1st Thursday of each month, 10 a.m. – 1:30 p.m. | \$120/Mtg. Max 6/Mo. Plus mileage from City Hall | 12/8/2020 |
| Transportation Corridor Agencies (TCA) * | Vacant | Alt. | Meets on the 2nd Thursday at 9:30 am | \$120/Mtg. Max 6/Mo.; Ad Hoc Cmts \$120 plus Mileage | |
| Transportation Corridor Agencies (TCA) * | David Penalzoza | Rep. | Meets on the 2nd Thursday at 9:30 am | \$120/Mtg. Max 6/Mo.; Ad Hoc Cmts \$120 plus Mileage | 12/8/2020 |

NOTE: Orange County Transportation Agency (OCTA) nomination and appointment is handled by OCTA Clerk of the Board. All communication goes directly to City Manager's Office.



City of Santa Ana
City Council Handbook

Campaign Contributions



CITY OF SANTA ANA

CAMPAIGN CONTRIBUTION LIMITS & DISQUALIFICATION PROVISIONS

QUICK REFERENCE

MAXIMUM CAMPAIGN CONTRIBUTION = \$1,000 in an Election Cycle (election date to the following election date – 2 years for Mayor; 4 years for Councilmembers).

CANNOT ACCEPT \$250 or more from any person for a period of 3-months following the date of a final decision regarding a license, permit or other entitlement if person had a financial interest in the proceeding.

Charter Provisions

Sec. 1206. - Campaign contribution limitation.

No person shall make, and no candidate for mayor or City Council or campaign treasurer shall solicit or accept, any contribution or loan which would cause the total amount contributed or loaned by that person to that candidate, including contributions or loans to all committees controlled by that candidate, to exceed one thousand dollars (\$1,000.00) in any election cycle; provided, however, that the City Council may, by ordinance, adjust such limit to reflect changes in the consumer price index; and provided further that nothing herein shall apply to a candidate's contribution of his or her personal funds to his or her own campaign contribution account. As used herein, "election cycle" means the period of time between the date of an election to the office of mayor or councilmember and the date of the next election to the same office.

Sec. 1207. - Campaign committees and bank accounts.

A candidate for the office of mayor or City Council shall have no more than one campaign committee and one campaign contribution account out of which all expenditures for the purpose of seeking such office shall be made. The campaign contribution account shall be established and maintained as set forth in Section 85201 of the Government Code.

(Ord. No. NS-2170, § 3, 7-20-92, approved at election 11-3-92)

Sec. 1208. - Enforcement.

- (a) Any person who knowingly or willfully violates sections 1206 or 1207 of this charter is guilty of a misdemeanor.
- (b) Any resident of the City may bring an action, at a time during an election period or thereafter, in a court of competent jurisdiction to enjoin actual or

threatened violations of, or to compel compliance with, or to obtain a judicial declaration regarding compliance with, section 1206 or 1207

(c) The City Attorney may maintain, in the name of the City, or a resident of the City may maintain, in his or her own name, a civil action to recover from a candidate or a committee controlled by a candidate any contributions received by such candidate or committee in excess of the contribution limitations established by section 1206. Any money recovered in any such action shall be deposited in the City's general fund.

(Ord. No. NS-2170, § 3, 7-20-92, approved at election 11-3-92)

Municipal Code Section

Sec. 2-107. - Prohibited campaign contributions.

No councilmember or any campaign committee controlled by the councilmember shall solicit or accept any campaign contribution or loan of two hundred fifty dollars (\$250.00) or more from any person for a period of three (3) months following the date a final decision is rendered in any proceeding before the council involving a license, permit, or other entitlement, if the councilmember knows or has reason to know that the person had a financial interest in the proceeding. Financial interest, for purposes of this section, shall have the meaning it is defined to have in Title 9 of the California Government Code (the Political Reform Act). The mayor is a councilmember for purposes of this section. (Ord. No. NS-2304, § 1, 11-18-96)



City of Santa Ana
City Council Handbook

Electronic Policies



City of Santa Ana
Administrative
Policies and Procedures


City Manager's Authorization
Section

Use of Cellular Equipment and Service Plans

Date Revised
November 27, 2007

Number

1. Objective

To delineate the administrative policy governing the use of City-owned cellular equipment and service plans, and the reimbursement process for business use of employee-owned cellular service plans.

2. Policy

The City of Santa Ana provides cellular equipment and service to employees who have a work-related need for mobile communication services.

2.1 Assignment of City-owned equipment and Service Plan

A. Cellular equipment and service plans are assigned for City business and must be approved by the Executive Director. As required by federal law (IRC Section 132) personal use of cellular service plans must be reimbursed to the City, or the value must be included in the employee's taxable compensation.

B. All cellular service bills received by a department are to be audited by the employee provided the service plan, in order to identify any personal use of the service. To verify the audit, employees are required to sign the bill, even if there is no personal use of the service.

C. For efficiency, it is permissible for the department to maintain a record of audited bills and notify employees to submit reimbursement at a regular interval, but at the minimum of once for the calendar year. Payment must be received within 30 calendar days of receipt of the December bill.

D. Use of cellular equipment will be terminated when no longer justified by business requirements or when the employee has demonstrated a disregard for this policy.

E. Periodically, an audit directed out of the Finance Agency will be conducted to verify compliance with this policy. Non-compliance may result in a full audit of an agency's cellular service records.

2.2 Business Use of an Employee's Cellular Service Plan

An employee may submit a reimbursement request for business use of a personal cellular service plan. A copy of the bill identifying the business use must accompany the reimbursement request.



**City of Santa Ana
Administrative
Policies and Procedures**

City Manager's Authorization

Subject

**EMAIL AND TEXT MESSAGE RETENTION
POLICY**

Date

06/04/2020

Number

IT02

1. Purpose

The purpose of this policy is to provide clear and concise direction regarding the retention, destruction, and use of emails, including their attachments, and text messages (collectively, "messages") in the possession of City of Santa Ana ("City") personnel.

2. Scope and Applicability

- a. This policy applies to all City employees, elected officials, appointed officials, consultants, volunteers, and other non-employees ("City personnel") who use emails and text messages for City business.
- b. This policy applies to all messages sent or received on City-owned devices and accounts. This policy also applies to messages that pertain to the conduct of the City's business that may be held on private devices or accounts.
- c. City personnel are responsible for complying with this policy in addition to specific departmental policies on computer and telecommunication equipment use.
- d. City personnel are also responsible for complying with related City-wide policies including, but not limited to: Technology Use Policy, City PRA policy, City Records Retention Schedule.
- e. To the extent that departmental policies conflict with this policy, this policy shall govern.

3. Definitions

- a. **Account** shall mean any email or text messaging account. City personnel may be assigned one or more email accounts in the City's email system. Text messaging accounts are typically associated with either a City-issued or personal cell phone.
- b. **Archive Server** shall mean the City's Barracuda email archive database or other system that stores unaltered copies of inbound and outbound email messages.
- c. **Deletions** shall mean complete destruction without permitting duplicates, either electronic or hard copies.

- d. **Device** shall mean any computer, laptop, phone, tablet, or any other type of portable electronic equipment capable of sending messages.
- e. **Exchange Email Server** shall mean the City's operational email server which sends and receives email messages. City personnel access messages on this server using Microsoft Outlook, Microsoft Outlook Web Access, cell phones, or tablets.
- f. **Holds** shall mean litigation holds as well holds for messages subject to a subpoena, Public Records Act request, claim against the City, administrative charge or investigation, or similar proceeding, which is in progress or which can reasonably be anticipated.
- g. **IT Department** shall mean the City's Information Technology Department.
- h. **Messages** shall mean emails, including their attachments, and text messages.
- i. **Private or Personal Email** shall mean any email service which sends and receives email messages which the City does not control or have access to through an agreement or by contract.
- j. **PST** shall mean a personal file with the extension ".pst", which stand for personal storage table. It is used by Microsoft Outlook to store personal copies of Outlook items (i.e., emails, calendar events, contacts, tasks) outside of the Exchange Server.
- k. **Retention** shall mean preservation of a message in such a way that does not permit additions, deletions, or changes to the original document, without creating a duplicate of the record.

4. Policy

- a. It is the general policy of the City that all emails and text messages subject to this policy are retained for two years and deleted on a rolling basis thereafter, except as provided below.
- b. Emails and text messages may be subject to longer retention period as determined by the content of the message.
 - i. **Applicable Retention Period**
 - A. City personnel shall retain those messages subject to a retention period longer than two years, as determined by applicable laws, regulations, City policies, and/or Record Retention Schedules.
 - B. Generally, it is the responsibility of the author/sender of an internal message to determine if it is subject to a retention period of longer than two years.
 - C. It is the responsibility of the recipient of a message received from outside the City to determine if it is subject to a retention period of longer than two years.


- D. City personnel may retain messages for longer than two years if the message has significant or continuing business or historical value. City personnel may retain messages on an individual basis and shall not set emails for automatic retention.
 - E. City personnel shall never use private or personal email accounts to send or store emails. In instances where a communication relating to City business is sent to, or inadvertently from, a personal account, those communications shall be immediately forwarded to the City personnel's work email account.
 - F. City personnel shall never forward emails from their City email account to their personal email accounts for any reason. City personnel shall never set up a rule or take any other actions to cause emails on their City email account to be automatically forwarded to a private email account.
- ii. Storing Messages
- A. City personnel may store emails, for up to two years, in non-deleting folders on their Exchange Email Server. Emails in a folder other than "Inbox", "Sent", and "Deleted" are not subject to automatic deletion.
 - B. City personnel may also store emails in locations other than non-deleting folders that appropriately retain the message.
 - C. City personnel shall not use PST files to store emails.
 - D. City personnel shall retain text messages in locations that appropriately retain the message. City personnel shall retain text messages subject to a Hold outside of the texting app.
- c. City personnel shall delete messages, when permitted by law and policy, in a timely and cost-efficient manner so as to destroy the writing without permitting duplicates, either electronic or hard copies.
- d. Emails
- i. The IT Department shall save all emails sent or received from City email accounts to the City's Archive Server for two years and then delete these emails on a rolling basis two years and one month after they are sent or received, unless otherwise subject to a Hold.
 - A. The City's Archive Server shall not be generally accessible by City personnel.
 - B. The IT Department shall place a Hold on any emails subject to a subpoena, Public Records Act request, claim against the City, administrative charge or investigation, or similar proceeding, which is in progress or which can reasonably be anticipated. When a Hold is in place, the IT Department shall

- suspend automatic deletion from the Archive Server for specific accounts or for messages that meet specific search criteria.
- C. To the extent that City personnel have emails subject to a Hold that are not held on the City's Archive Server, it is the responsibility of the City personnel to retain those emails outside of the email system, furnish them, if requested, and delete them when they no longer need to be retained.
- ii. City personnel have access to emails ("Copy Emails") on their Exchange Email Server, which holds a copy of the email on the City's Archive Server. The IT Department shall automatically delete Copy Emails in a City personnel's Inbox, Sent Items, and Deleted Items folders 60 days after being sent or received, and after two years and one month for all other email folders.
 - A. Emails not subject to a Hold but subject to a retention period longer than two years shall be retained by City personnel outside of the email system, furnished upon request, and deleted at the end of the appropriate retention period.
 - B. City personnel shall have limited storage space on their Exchange Email Server and are responsible for managing their emails within the allotted space.
 - C. Warning messages shall be sent if the email account maximum storage size is being approached.
 - D. If the maximum storage size of an email mailbox is reached, the City personnel will be notified, and email service will be suspended. The service suspension will continue until the email account storage size has been reduced below the maximum size threshold.
 - E. City personnel who have a justifiable business requirement for mailbox storage size in excess of the City maximum may request to have their mailbox size increased.
- e. Text Messages
 - i. All City business communication shall be conducted using City personnel's work email account. Text message should only be used for non-City business communication.
 - A. Text messages relating to City business that are sent or received by City personnel shall be immediately copied (screen shots are acceptable) and forwarded to the City personnel's work email account with the word "Text" in the subject field along with other keywords describing the City business subject matter.

- B. Once the City business texts have been forwarded to the City's personnel's work email account, the text message or thread may be deleted.
- C. For City issued mobile devices, the setting to keep message history shall be set to 30 days.

5. Violations

Violations of this Policy may result in disciplinary action, up to and including termination.

| | | |
|---|------------------------------|--------|
|  <p style="text-align: center;">City of Santa Ana Administrative Policies and Procedures</p> | City Manager's Authorization | |
| | Section <i>David B. Bean</i> | |
| Subject Electronic Mail | Date | Number |
| | Revised June 2003 | IT-02 |

1. Objective

To establish administrative regulations which standardize the electronic mail policy for authorized users.

2. Purpose

The purpose of this policy is to define who is authorized to use the City electronic mail system and to define the acceptable use of those services. Any restriction of use contained in this policy is intended to ensure the appropriate use of electronic mail and to protect the City of Santa Ana and its resources.

3. Scope and Applicability

3.1 The use of the City's electronic mail system is a privilege, not a right, which may be revoked at any time for unacceptable use.

3.2 The authorized users of the City's electronic mail system include all full-time and part-time City employees, and those individuals authorized by an Executive Director.

3.3 The City reserves the right, for any reason, to remove a user's access to the City's electronic mail system.

3.4 The electronic mail system is owned by the City of Santa Ana and the contents thereof may be reviewed in the course of business without the consent of the sender or recipient. Electronic mail users have no expectations of privacy in their messages whether sent or received.

3.5 All electronic mail, despite the designation of any message as "private," in the course of administrating the system or under other provisions of this policy may be viewed without the consent of the sender or receiver as specified in Section 4.3.

3.6 This policy applies to electronic mail only and excludes electronic files that the City of Santa Ana maintains in the regular course of business. Electronic mail, whole or in part, which is printed out or converted into computerized formats or other media, is excluded from this policy.

3.7 Global Announcements

3.7.1 Electronic mail sent globally throughout the organization must get prior approval by agency Executive Director.

3.7.2 Flyers and graphics for global announcements will be displayed on the Intranet only.

3.7.3 After obtaining the Executive Director's approval, forward the text for the subject line of the global announcement to City Web Team (email address: !citywebupdates) and attach the flyers or other graphics that will be posted on the City Intranet site.

- 3.7.3.1 The opening text of the global announcement should state the following:
“This e-mail has been approved for global distribution by the Executive Director of the _____ Agency.”
- 3.7.3.2 The global e-mail notification will be distributed with only the subject, approval notice and link to the City Intranet page.
- 3.7.4 Flyers designed for the purpose of sharing special events outside the scope of City goals must be kept to one page in dimension (8½"x 11" sheet of paper) and must be 500 KB or less in size.
- 3.7.5 Acceptable formats for the Intranet posted item are.
 - 3.7.5.1 Adobe PDF.
 - 3.7.5.2 Microsoft PowerPoint.
 - 3.7.5.3. Microsoft Word.

4. Implementation

- 4.1 New electronic mail accounts for a full-time or part-time City employee.
 - 4.1.1 As required to perform City business, Supervisors may authorize individuals, who are full or part time City employees, to have access to the City's electronic mail system.
 - 4.1.2 Prior to an application for use of City electronic mail, the nominated individual must: (a) Read the City **Electronic Mail Policy** and (b) Acknowledge their understanding, acceptance, and willingness to abide by the provisions of the City Electronic Mail Policy by completing, with their signature, an **Electronic Mail Policy Acceptance** form [see Attachment A].
 - 4.1.3 Complete a **Request for Electronic Mail Service** form [see Attachment B]
 - 4.1.4 Requests must be authorized by the individual's supervisor.
 - 4.1.5 Completed and signed **Request for Electronic Mail Service** form [Attachment B] should be sent to City Electronic Mail Administrator, mail station M-12.
 - 4.1.6 A signed copy of the **Electronic Mail Policy Acceptance Statement** [see Attachment A] shall be retained by the requesting Agency/Department.
- 4.2 New electronic mail accounts for a non-City employee.
 - 4.2.1 As required to perform City business and limited to the period of time necessary to support City business, Executive Directors may authorize individuals, who are **not** full or part time City employees, to participate in the City's electronic mail system.
 - 4.2.2 Prior to an application for use of City electronic mail, the nominated individual must: (a) Read the City **Electronic Mail Policy** and (b) Acknowledge their understanding, acceptance, and willingness to abide by the provisions of the City Electronic Mail Policy by completing, with their signature, an **Electronic Mail Policy Acceptance** form [see Attachment A].
 - 4.2.3 Complete a **Request for Electronic Mail Service [Non-City employee]** form [see Attachment C].
 - 4.2.4 Requests must be authorized by an **Executive Director** (or their delegated representative).

- 4.2.5 Completed and signed **Request for Electronic Mail Service [Non-City employee]** form [Attachment C] should be sent to City Electronic Mail Administrator, mail station M-12.
- 4.2.6 A signed copy of the **Electronic Mail Policy Acceptance Statement** [see Attachment A] shall be retained by the requesting Agency/Department.
- 4.3 Special Entry Authorization
 - 4.3.1 Under special circumstances, it may be necessary to gain direct entry to a specific electronic mail account. Only an Executive Director can authorize such special entry.
 - 4.3.2 Special entry involves overriding the City electronic mail system security controls to change an account password to a new password and to provide that password to authorized individual.
 - 4.3.3 If special entry is required, complete a **Special Entry Authorization to Electronic Mail Account** form [see Attachment D].
 - 4.3.4 Completed and signed **Special Entry Authorization to Electronic Mail Account** form [Attachment D] should be delivered to City Electronic Mail Administrator, mail station M-12, for action.
- 4.4 Remote Access to the City Electronic Mail System
 - 4.4.1 As required to perform City business, Executive Directors may request individuals who are currently authorized to use the City electronic mail system to be granted remote access privileges
 - 4.4.2 Prior to an application for remote access privileges to City electronic mail, the nominated individual must have previously: (a) Read the City **Electronic Mail Policy** and (b) Acknowledged their understanding, acceptance, and willingness to abide by the provisions of the City Electronic Mail Policy by completing, with their signature, an Electronic Mail Policy Acceptance form [see Attachment A].
 - 4.4.3 Complete a **Request for Remote Access to City Electronic Mail Service** form [see Attachment E]
 - 4.4.4 Requests must be authorized by the individual's Executive Director and the Executive Director of Personnel.
 - 4.4.5 Completed and signed forms are sent to City Electronic Mail Administrator, mail station M-12.
 - 4.4.6 The individual seeking remote electronic mail access privileges is solely responsible for:
 - 4.4.6.1 Providing the Internet access used to connect to the City electronic mail system.
 - 4.4.6.2 Providing the PC to be used with remote access.
 - 4.4.6.3 Providing the anti-virus software to be used on the remote accessing PC.
 - 4.4.6.4 Ensuring anti-virus software is installed properly, operating, and up-to date on the remote accessing PC.
 - 4.4.6.5 Ensuring that no one else uses the remote access to the City's Electronic Mail System

- 4.4.7 Final implementation of remote electronic mail access privileges will be based on request from the individual's Executive Director and a positive assessment of the responses to prerequisite technical and operational questions [see Attachment E].
- 4.5 Dissemination of Electronic Mail Policy
 - 4.5.1 All new users to the City electronic mail system will be notified of this City policy prior to their gaining use of the system.
 - 4.5.2 An **Electronic Mail Policy Acceptance Statement** form [see Attachment A] must be signed by the new users and retained by their Agency/Department prior to submission of the request for service.
 - 4.5.3 Each existing user of the City electronic mail system will be notified and provided access to a copy of this policy upon any change in the policy.
 - 4.5.4 Subsequent reminders on and updates to this policy will be periodically transmitted via the system to all City electronic mail system users.
- 4.6 Delete or Relocate a City Electronic Mail Account
 - 4.6.1 To delete a current electronic mail account when a user has been terminated or there is no further business need, notify the City Electronic Mail Administrator in writing (mail station M-12 or email address: !!E-Mail Administrator).
 - 4.6.2 To relocate a current electronic mail account when a user has been reassigned within the City, notify the City Electronic Mail Administrator in writing (mail station M-12 or email address: !!E-Mail Administrator).
 - 4.6.3 It is the responsibility of each Agency/Department to send an immediate notification (see 4.6.1 above) when anyone authorized to use the City electronic mail system leaves City employment, ends their relationship with the City, or no longer requires its use. Rapid notification is essential to maintain the integrity and information security of the system.
- 4.7 City Electronic Mail Account Storage Size Limitation
 - 4.7.1 Each electronic mail account user is responsible for managing and controlling the contents and size of their individual account.
 - 4.7.2 Electronic mail accounts stored as part of the electronic mail system hosted by the City and Police Department Computing Centers will be limited to 400 MB in storage size.
 - 4.7.3 Warning messages will be sent if the electronic mail account maximum storage size is being approached.
 - 4.7.4 If the maximum storage size of an electronic mail account is reached, the electronic mail account will be notified and electronic mail service will be suspended. The service suspension will continue until the electronic mail account storage size has been reduced below the maximum storage size of 400 MB.
 - 4.7.5 Electronic mail account users who have a justifiable City business requirement for account storage size in excess of the City maximum may submit a **Request for Increase to the Electronic Mail Account Storage Size Limitation** form [see Attachment F].

5. Retention Guidelines

- 5.1 For the purposes of retention, the City's Electronic Mail Messages are considered to be the contents of items contained in the "InBox," "Deleted Items," and "Sent Items" folders including the contents of subfolders of any of these folders of electronic mail applications operated by the City.
- 5.2 All Electronic Mail Messages are considered transitory writing, not public records, and are not retained in the City of Santa Ana's normal course of business.
- 5.3 Electronic Mail Messages shall not be retained beyond 30 days by City electronic mail applications. Agencies/Departments and/or individuals hosting the storage of Electronic Mail Messages are responsible for implementing this requirement.
- 5.4 Electronic Mail Messages retained beyond 30 days shall no longer be considered transitory writing.
- 5.5 Users of the City electronic mail systems shall on a frequent basis review messages (e.g. in "In Box," "Deleted Items," "Sent Items," etc.) and delete mail items no longer required.

6. Violations and Enforcement

- 6.1 Violations of the City's Electronic Mail Policy will be evaluated on a case-by-case basis by the sponsoring Executive Director. Violation of this policy may result in disciplinary action, up to and including dismissal, and may include referral of a case to appropriate authorities for civil or criminal prosecution.
- 6.2 Users may be subject to random internal audits of electronic mail use.

7. Electronic Mail User Responsibility

- 7.1 Each individual with access to the City's electronic mail system is responsible for understanding and following this policy.
 - 7.1.1 All such users must sign a statement acknowledging that they have been provided with a copy of the City's electronic mail Policy and agree to abide by it as a condition of being provided such access.
 - 7.1.2 Unauthorized or improper use of the City's electronic mail system may result in terminating the individual's Electronic Mail access, and depending on the severity of the circumstances may result in disciplinary action, including termination.
- 7.2 System security and passwords.
 - 7.2.1 Each electronic mail system user has a uniquely assigned user name and password for information security purposes. These are an important component of the City's overall information systems protection.
 - 7.2.2 Protecting his/her password is an individual's responsibility. Passwords should be kept safe so that they are not used by someone who is not authorized.
 - 7.2.3 Users are cautioned that they are responsible for the content of all electronic mail sent or received via their user name and login session.
 - 7.2.4 Anti-virus screening software must be enabled and running on a computer before any attempt to use the City's electronic mail system.

8. Acceptable Use

- 8.1 Acceptable use of electronic mail is to carry forward City business.

- 8.2 Electronic mail communication with professional associations, governments, universities, businesses and/or individuals associated with the facilitation of City business, research and education efforts as authorized by the sponsoring Executive Director.
- 8.3 With the permission of the department's Executive Director, the occasional use of social electronic mail is permitted as long as it does not interfere with regular City business, is not excessive, and does not cause an adverse impact (e.g. congestion) on the City's electronic networks.
- 8.4 Distribution of information to the general public whereby such information is made available under the City's guidelines and policies for the release of information.
- 8.5 Incidental communications among authorized users and professional colleagues which facilitate work assignments and professional development or debate in a work field of knowledge.
- 8.6 Encryption of messages is permitted; however, the authorized user must agree to provide the de-encryption scheme and key upon request of the electronic mail administrator and/or his/her Executive Director.
- 8.7 City of Santa Ana electronic mail users **will**:
 - 8.7.1 Remember that electronic communications sent from the City travel on City of Santa Ana's electronic stationery and as such, are the same as if they were sent on City of Santa Ana letterhead.
 - 8.7.2 Assume that all communications via electronic mail can and will be read by systems administrators or other parties.
 - 8.7.3 Take all required precautions against the importation of computer viruses.
 - 8.7.4 Make diligent efforts to conserve system resources. For example, frequently delete unused files of any type.
 - 8.7.5 Use common sense at all times.

9. Unacceptable Use

- 9.1 Intentional introduction of, or experimentation with, malicious computer code such as computer worms or viruses.
- 9.2 Illegal, fraudulent or malicious activity; political activity; religious promotion; or activity on behalf of organizations or individuals who have no affiliation with the City.
- 9.3 Transmission of material in violation of applicable copyright laws or patents.
- 9.4 The sending of messages that are likely to result in the loss of recipients' work or system and any other types of use which could cause congestion of the electronic network or otherwise interfere with the work of others.

Introducing or forwarding "chain letters" is an example of such unacceptable use.
- 9.5 City of Santa Ana electronic mail system users are **prohibited** from:
 - 9.5.1 Taking actions that cause interference to the City's electronic network or the work of others.
 - 9.5.2 Operating a business through the City of Santa Ana electronic mail system (and Internet electronic mail link).
 - 9.5.3 Generating, storing, or transmitting communications, files, programs or use data or other matter containing offensive or harassing statements. Included are:

comments based on race, national origin, sex, sexual orientation, age, disability, religion or political beliefs.

9.5.4 Sending or receiving sexually oriented messages or images.

10. Etiquette and Privacy

10.1 Users are expected to abide by the generally accepted rules of network etiquette. These rules include (but are not limited to) the following:

10.2 Be Polite.

Never send, or encourage others to send, abusive messages or communications

10.3 Use Appropriate Language

Remember that as a user you are a representative of the City of Santa Ana. You may be alone with your computer, but what you say and do can be viewed globally! Never swear, use vulgarities, or any other inappropriate language. Illegal activities of any kind are strictly forbidden.

10.4 Privacy

Do not reveal personal data (e.g., your home address or telephone number or those of anyone else).

10.5 Disruptions

Do not use access to the electronic mail in any way that would disrupt use of the system or City resources by others.

10.6 Other considerations

10.6.1 Do be brief. Few people will bother to read a long communication.

10.6.2 Do minimize spelling errors and make sure your communication is easy to understand and to read.

10.6.3 Do get the most appropriate audience for your communication, not the widest.

10.6.4 Do remember that humor and satire are very often misinterpreted.

10.6.5 Do cite references for any facts you present.

10.6.6 Do forgive the spelling and grammar errors of others.

10.6.7 Do keep signatures brief.

10.6.8 Do remember that all electronic mail users are human beings. Don't "attack" correspondents; persuade them with facts.

10.6.9 Do post (i.e. communicate) only to groups you know.

Electronic Mail Policy Acceptance Statement

Acceptance

Your signature below certifies that you have read the City's Electronic Mail Policy and that you understand, accept and will abide by the provisions stated in it, or in the Policy as revised and distributed from time to time.

Signature of electronic mail system user _____

Name (print) _____

Date _____

Agency/Department _____

Phone _____

Mail Station or Address _____

Note: The user's Agency/Department keeps one signed copy of this form on file.

Request for Electronic Mail Service

For use in requesting service for full-time and part-time City employees only
[see City Electronic Mail Policy, section 4.1]

Please provide the following individual an electronic mail account on the City of Santa Ana electronic mail system.

Full Name (print) _____

Windows NT Domain user name
(See your systems administrator for explanation) _____

Work Location/Room Number
(be as specific as possible) _____

Telephone _____

Mail station _____

Date Service is Needed _____

I, the undersigned, certify that:

The above named individual has read the **City of Santa Ana Electronic Mail Policy**.

The individual has signed an **Electronic Mail Policy Acceptance Statement** attesting to their understanding.

This Agency/Department has retained a signed copy of **Electronic Mail Policy Acceptance Statement** on file.

Supervisor's Signature _____

Supervisor's Name (print) _____

Agency/Department _____

Date _____

Send to: **City Electronic Mail Administrator**

Information Services Division

Mail Station M-12

For Internal Use Only
(Please do not write below)

Date received _____

Date account established _____

Date user notified _____

Comments _____

Request for Electronic Mail Service for Non-City Employees

[See City Electronic Mail Policy, section 4.2]

Please provide the following individual an electronic mail account on the City of Santa Ana electronic mail system.

Full Name (print) _____

Windows NT Domain user name
(See your systems administrator for explanation) _____

Work Location/Room Number
(be as specific as possible) _____

Telephone _____

Mail station _____

Date Service is Needed _____

Projected End Date for the Account _____

I, the undersigned, certify that:

The above named individual has read the **City of Santa Ana Electronic Mail Policy**.

The individual has signed an **Electronic Mail Policy Acceptance Statement** attesting to their understanding.

This Agency/Department has retained a signed copy of **Electronic Mail Policy Acceptance Statement** on file.

Executive Director's Signature
(or delegated representative's) _____

Executive Director's Name (print)
(or delegated representative's) _____

Agency/Department _____

Date _____

Send to: **City Electronic Mail Administrator**
Information Services Division
Mail Station M-12

For Internal Use Only
(Please do not write below)

Date received

Date account established

Date user notified

Comments

Special Entry Authorization to an Electronic Mail Account

[see City Electronic Mail Policy, section 4.3]

Authorization is granted to override the City's electronic mail system security controls and to give access to the following electronic mail account.

Email account name _____
(As is appears on electronic mailbox)

Agency/Department of account _____

Division of account _____

Effective Date _____

Name of person to be granted special access _____

Phone of person to be granted special access _____

I, the undersigned, certify that I am the Executive Director for the above named City of Santa Ana electronic mail account:

Signature _____

Name _____

Date _____

Submit to: **City Electronic Mail Administrator**
Information Services Division
Mail Station M-12

For Internal Use Only
(Please do not write below)

Date Received _____

Date Special Access Granted _____

Comments _____

Comments _____

Request for Remote Access to City Electronic Mail Service

[See City Electronic Mail Policy, section 4.4]

Please enable the following individual with the capability to remotely access the City of Santa Ana electronic mail system.

Full Name (print) _____
Mail station _____
City Telephone Number _____
Remote Location Residence Traveling Other: _____
Date Service is Needed _____

Qualifying Questions:

Does the individual:

- Currently have a City email account? Yes No
- Have a PC to use for remote email access? (City does not provide) Yes No
- Have an Internet connection available? (City does not provide)
 - Via Modem dial up service
 - Via cable Internet service
 - Via DSL Internet service
 - Via satellite Internet service
 - Other: _____
- Have anti-virus (for virus detection and removal) software installed on the PC or PC's to be used for remote email access? (City does not provide) Yes No
- Ensure that the anti-virus software enabled at all times? Yes No
- Update the anti-virus software each time before Internet access is used? Yes No

I, the undersigned, certify that:

The above named individual has:

Read and signed their acceptance of the **City of Santa Ana Electronic Mail Policy**.
Has a justified business need to remotely access the City electronic mail system.

Executive Director's Signature _____

Executive Director's Name (print) _____

Agency/Department _____

Date _____

Review and Approval by the Executive Director of the Personnel

Executive Director of Personnel's Signature _____

Date _____

Send to: **City Electronic Mail Administrator**

Information Services Division

Mail Station M-12

For Internal Use Only

(Please do not write below)

Date received _____

Date account established _____

Date user notified _____

Comments _____

Request for Increase to the Electronic Mail Account Storage Size Limitation

[see City Electronic Mail Policy, section 4.7.5]

I request an increase to the City electronic mail account storage size limitation.

Full Name (print) _____

Email account name _____

Work Location/Room Number _____

Telephone _____

Mail station _____

Requested increase in email
account storage size (if known) _____

Explanation of City business
requirement for exceeding
email storage limit _____

I, the undersigned, certify that:

The above named individual has justified business need for an increase in their email account maximum storage size.

Executive Director's Signature
(or delegated representative's) _____

Executive Director's Name (print)
(or delegated representative's) _____

Agency/Department _____

Date _____

Submit to: **City Electronic Mail Administrator**
Information Services Division
Mail Station M-12



For Internal Use Only
(Please do not write below)

Date Received _____

Date Increase in Max Account Storage Size Granted _____

Revised Max Account Storage Size Granted _____ MB

Comments _____

| | | | |
|---|---|---------------|--|
|  | City of Santa Ana Administrative Policies and Procedures | | City Manager's Authorization |
| | | | Section:  |
| Subject Internet Usage | Date | Number | |
| | Revised June 2003 | IT-01 | |

1. Objective

To establish administrative regulations which standardize the Internet policy for authorized users.

2. Purpose

The purpose of this policy is to define who is authorized to employ City resources for access to the Internet and to define the acceptable use of those services. Any restriction of use contained in this policy is intended to ensure the appropriate use of the Internet and to protect the City of Santa Ana and its resources.

3. Scope and Applicability

- 3.1 The use of the Internet is a privilege, not a right, which may be revoked at any time for unacceptable use.
- 3.2 As required to perform City business, Executive Directors may authorize individuals to access the Internet via City systems and/or equipment.
- 3.3 The City reserves the right, for any reason, to remove a user's access to the Internet.
- 3.4 The Internet access server, associated security, communications, networking, and microcomputer systems and components used to access the Internet are owned or operated by the City of Santa Ana and the contents of all communications using these may be reviewed in the course of business without the advanced notice or consent of the sender or recipient.
- 3.5 All electronic communications, despite any designation as 'private' or restricted access, in the course of administering the service or under other provisions of this policy may be viewed without the advanced notice or consent of the sender or receiver.
- 3.6 Internet communications and messaging via the Internet are governed by the City's Electronic Mail Policy.

4. Implementation

- 4.1 New Internet access for a full-time or part-time City employee.
 - 4.1.1 As required to perform City business, Executive Directors or their authorized delegates may authorize individuals, who are full or part time City employees, to have access to the Internet through the City's network.
 - 4.1.2 Prior to an application for Internet access and any use of the Internet, the nominated individual must: (a) Read the City **Internet Usage Policy** and (b) Acknowledge their understanding, acceptance, and willingness to abide by the provisions of the City Internet Usage Policy by completing, with their signature, an Internet Usage Policy Acceptance form [see Attachment A].

- 4.1.3 Complete a **Request for Internet Services** form [see Attachment B].
- 4.1.4 Requests must be authorized by the individual's Executive Director or delegated representative.
- 4.1.5 Completed and signed **Request for Internet Services** form [Attachment B] should be sent to City Internet Administrator, mail station M-12.
- 4.1.6 A signed copy of the **Internet Usage Policy Acceptance Statement** [see Attachment A] shall be retained by the requesting Agency/Department.
- 4.2 New Internet access for a non-City employee.
 - 4.2.1 As required to perform City business, Executive Directors may authorize individuals, who are not full or part time City employees, to have access to the Internet through the City's network.
 - 4.2.2 Prior to an individual applying for access and use of the Internet, the individual must: (a) Read the City Internet Usage Policy and (b) Acknowledge their understanding, acceptance, and willingness to abide by the provisions of the City Internet Usage Policy by completing, with their signature, an Internet Usage Policy Acceptance form [see Attachment A].
 - 4.2.3 Complete a **Request for Internet Services [Non-City employee]** form [see Attachment C].
 - 4.2.4 Requests must be authorized by the individual's Executive Director or delegated representative.
 - 4.2.5 Completed and signed **Request for Internet Services [Non-City employee]** form [Attachment C] should be sent to City Internet Administrator, mail station M-12.
 - 4.2.6 A signed copy of the Internet Usage Policy Acceptance Statement [see Attachment A] shall be retained by the requesting Agency/Department.
- 4.3 Charge for Service

An annual fee will be assessed to each Department/Agency for each user authorized to access the Internet. The charge will be used to defray the costs associated with accessing the Internet. The Information Services Division will be responsible for proposing and administrating this annual service fee.

 - 4.3.1 The fee applies to each user and can not be "shared".
 - 4.3.2 The fee is annual and is not pro-rated or refunded for partial periods.
 - 4.3.3 One user may not be substituted for another user under the same fee.
- 4.4 Dissemination of the Internet Policy
 - 4.4.1 All new users accessing the Internet through City systems will be notified of this City policy prior to their gaining access to the system.
 - 4.4.2 An Internet Usage Policy Acceptance Statement form [see Attachment A] must be signed by the new users and retained by their Agency/Department prior to submission of the request for service.
 - 4.4.3 Each existing user accessing the Internet through City systems will be notified and provided access to a copy of this policy upon any change in the policy.
 - 4.4.4 Subsequent reminders on and updates to this policy will be periodically transmitted via the electronic mail system to all users accessing the Internet through City systems.

- 4.5 Delete or Relocate authorization to access the Internet through City systems
 - 4.5.1 To delete a current authorization to access the Internet through City systems when an individual has been terminated or there is no further business need, notify the City Internet Administrator in writing (mail station M-12 or email address: !!Internet Administrator).
 - 4.5.2 To relocate a current authorization to access the Internet through City systems when an individual has been reassigned within the City, notify the City Internet Administrator in writing (mail station M-12 or email address: !!Internet Administrator).

5. Retention Guidelines

All electronic communications via the Internet are considered transitory writing, not public records, and are not retained in the City of Santa Ana's normal course of business.

6. Violations and Enforcement

- 6.1 Violations of the City's Internet Policy will be evaluated on a case-by-case basis by the sponsoring Executive Director. Violation of this policy may result in disciplinary action, up to and including dismissal, and may include referral of a case to appropriate authorities for civil or criminal prosecution.
- 6.2 Users may be subject to random internal audits of Internet use.

7. Acceptable Use

- 7.1 Acceptable use of the Internet is to carry forward City business.
- 7.2 Internet interaction with professional associations, governments, universities, businesses and/or individuals associated with the facilitation of City business, research and education efforts as authorized by the sponsoring Executive Director.
- 7.3 With the permission of the department's Executive Director, the occasional use of social interaction via the Internet is permitted as long as it does not interfere with regular City business, is not excessive, and does not cause an adverse impact (e.g., congestion) on the City's electronic networks.
- 7.4 Distribution of information to the general public whereby such information is made available under the City's guidelines and policies for the release of information and the Public Records Act.
- 7.5 Incidental interactions among authorized users and professional colleagues which facilitate work assignments and professional development or debate in a work field of knowledge.
- 7.6 Encryption of interactions beyond that provided by City as part of its Internet services is NOT permitted.
- 7.7 City of Santa Ana Internet users **will**:
 - 7.7.1 Remember that electronic interactions sent from the City travel on City of Santa Ana's electronic stationery and as such, are the same as if they were sent on City of Santa Ana letterhead.
 - 7.7.2 Be aware that in the normal course of system operations an audit log is recorded and maintained of all Internet sites sent to or received from by all Internet users.
 - 7.7.3 Assume that all communications via Internet can and will be read by systems administrators or other parties.

- 7.7.4 Take all required precautions against the importation of computer viruses.
- 7.7.5 Not download and or install from the Internet any program or software, including shareware, freeware, updates or trial version of software, without the explicit permission of the information services unit supporting them.
- 7.7.6 Make diligent efforts to conserve system resources. For example, frequently delete unused files of any type.
- 7.7.7 Use common sense at all times.

8. Unacceptable Use

- 8.1 To gain unlawful access to information on computers and communications resources.
- 8.2 Intentional introduction of, or experimentation with, malicious computer code such as computer worms or viruses.
- 8.3 Illegal, fraudulent or malicious activity; political activity; religious promotion; or activity on behalf of organizations or individuals who have no affiliation with the City.
- 8.4 Transmission of material in violation of applicable copyright laws or patents.
- 8.5 The sending of messages or interactions that are likely to result in the loss of recipients' work or system and any other types of use which could cause congestion of the electronic network or otherwise interfere with the work of others.
- 8.6 City of Santa Ana Internet users are **prohibited** from:
 - 8.6.1 Taking actions that cause interference to the City's electronic network or the work of others.
 - 8.6.2 Posting items on the Internet that do not reflect the policies of the City of Santa Ana.
 - 8.6.3 Operating a business through the City of Santa Ana Internet link.
 - 8.6.4 Generating, storing, or transmitting communications, files, programs or use data or other matter containing offensive or harassing statements, including comments based on race, national origin, sex, sexual orientation, age, disability, religion or political beliefs.
 - 8.6.5 Sending or receiving sexually oriented messages or images.
 - 8.6.6 Taking control of another computer, or login to any computer using another person's identity or a fictitious identity.
 - 8.6.7 Using the login of another individual, nor shall an individual reveal their login information of another person.
 - 8.6.8 Allowing another person to use their login information to gain access to any computer connected to the City computer network or to the Internet.

9. Etiquette and Privacy

- 9.1 Users are expected to abide by the generally accepted rules of network etiquette. These rules include (but are not limited to) the following:
 - 9.2 Be Polite.
Never send, or encourage others to send, abusive messages or communications
 - 9.3 Use Appropriate Language
Remember that as a user you are a representative of the City of Santa Ana. You may be alone with your computer, but what you say and do can be viewed globally! Never

swear, use vulgarities, or any other inappropriate language. Illegal activities of any kind are strictly forbidden.

9.4 Privacy

Do not reveal personal data (e.g., your home address or telephone number or those of anyone else).

9.5 Internet communications and messaging

All word communications and messaging via the Internet are governed by the City's Electronic Mail Policy. They are not private and are subject to review for administrative and security purposes.

9.6 Disruptions

Do not use access to the Internet in any way that would disrupt use of the system or City resources by others.

9.7 Other considerations

9.7.1 Do be brief. Few people will bother to read a long communication.

9.7.2 Do minimize spelling errors and make sure your communication is easy to understand and to read.

9.7.3 Do get the most appropriate audience for your communication, not the widest.

9.7.4 Do remember that humor and satire are very often misinterpreted.

9.7.5 Do cite references for any facts you present.

9.7.6 Do forgive the spelling and grammar errors of others.

9.7.7 Do keep signatures brief.

9.7.8 Do remember that all Internet users are human beings. Don't "attack" correspondents; persuade them with facts.

9.7.9 Do post (i.e. communicate) only to groups you know.

Internet Usage Policy Acceptance Statement

Acceptance

Your signature below certifies that you have read the City's Internet Usage Policy and that you understand, accept and will abide by the provisions stated in it, or in the Policy as revised and distributed from time to time.

Signature of Internet user _____
Name (print) _____
Date _____
Agency/Department _____
Phone _____
Mail Station or Address _____

Note: The user's Agency/Department keeps one signed copy of this form on file.

Request for Internet Services

For use in requesting access for full-time and part-time City employees only

[See City Internet Usage Policy, section 4.1]

Please allow the following individual to access the Internet through the City of Santa Ana Internet connection.

Full Name (print) _____

Windows NT Domain user name
(See your systems administrator for explanation) _____

Work Location/Room Number
(be as specific as possible) _____

Telephone _____

Mail station _____

Date Service is Needed _____

Internet Services Usage Fee

There will be an annual Fiscal Year usage fee of \$120 assessed to each authorized Internet user. The fee is a flat rate, is not pro-rated, and will be charged at the beginning of the fiscal year or when a new user is granted Internet access.

Budget Account for usage fee: _____
[Mandatory requirement; no service without account]

I, the undersigned, certify that:

The above named individual has read the **City of Santa Ana Internet Usage Policy**.

The individual has signed an **Internet Usage Acceptance Statement** attesting to their understanding.

This Agency/Department has retained the signed **Internet Usage Acceptance Statement** on file.

I authorize payment of the annual Internet Services Usage Fee.

Executive Director's Signature
(or delegated representative's) _____

Executive Director's Name (print)
(or delegated representative's) _____

Agency/Department _____

Date _____

Send to: **City Internet Administrator**
Information Services Division
Mail Station M-12

For Internal Use Only
(Please do not write below)

Date received _____

Date account established _____

Date user notified _____

Comments _____

Request for Internet Services for Non-City Employees

[See City Internet Usage Policy, section 4.2]

Please provide the following individual an electronic mail account on the City of Santa Ana electronic mail system.

Full Name (print) _____
Windows NT Domain user name
(See your systems administrator for explanation) _____
Work Location/Room Number
(be as specific as possible) _____
Telephone _____
Mail station _____
Date Service is Needed _____
Projected End Date for the Account _____

Internet Services Usage Fee

There will be an annual Fiscal Year usage fee of \$120 assessed to each authorized Internet user. The fee is a flat rate, is not pro-rated, and will be charged at the beginning of the fiscal year or when a new user is granted Internet access.

Budget Account for usage fee: _____
[Mandatory requirement; no service without account]

I, the undersigned, certify that:

The above named individual has read the **City of Santa Ana Internet Usage Policy**.

The individual has signed an **Internet Usage Acceptance Statement** attesting to their understanding.

This Agency/Department has retained the signed **Internet Usage Acceptance Statement** on file.

I authorize payment of the annual Internet Services Usage Fee.

Executive Director's Signature
(or delegated representative's) _____

Executive Director's Name (print)
(or delegated representative's) _____

Agency/Department _____

Date _____

Send to: **City Internet Administrator**
Information Services Division
Mail Station M-12

For Internal Use Only
(Please do not write below)

Date received _____
Date account established _____
Date user notified _____
Comments _____



City of Santa Ana
City Council Handbook

Rules

State of California

GOVERNMENT CODE

Section 53237.1

53237.1. (a) If a local agency provides any type of compensation, salary, or stipend to a local agency official of that agency, then all local agency officials of that agency shall receive sexual harassment prevention training and education pursuant to this article. A local agency may also require any of its employees to receive sexual harassment prevention training and education pursuant to this article.

(b) Each local agency official, or employee who is so required, shall receive at least two hours of sexual harassment prevention training and education within the first six months of taking office or commencing employment, and every two years thereafter.

(c) An entity that develops curricula to satisfy the requirements of this section shall consult with legal counsel for the entity regarding the sufficiency and accuracy of that proposed content. An entity is permitted to include local sexual harassment prevention training and education policies in the curricula.

(d) The training and education required by this section shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against, and the prevention and correction of, sexual harassment and the remedies available to victims of sexual harassment in employment. The training and education shall also include practical examples aimed at instructing the local agency official in the prevention of sexual harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of sexual harassment, discrimination, and retaliation.

(e) A local agency or an association of local agencies may offer one or more training courses, or sets of self-study materials with tests, to meet the requirements of this section. These courses may be taken at home, in person, or online.

(f) All providers of training courses shall provide participants with proof of participation to meet the requirements of this article.

(g) A local agency shall provide a recommendation on training available to meet the requirements of this article to its local agency officials and its employees at least once in written form before assuming a new position and every two years thereafter.

(h) A local agency official who serves more than one local agency shall satisfy the requirements of this article once every two years without regard to the number of local agencies he or she serves.

(Amended by Stats. 2017, Ch. 387, Sec. 12. (SB 205) Effective January 1, 2018.)

ORDINANCE NO. NS-2843

AN ORDINANCE OF THE CITY OF SANTA ANA
AMENDING SECTIONS 2-155 AND 2-157 OF THE SANTA
ANA MUNICIPAL CODE RELATING TO THE CITY OF
SANTA ANA SUNSHINE ORDINANCE

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS
FOLLOWS:

SECTION 1. The City Council of the City of Santa Ana hereby finds, determines,
and declares as follows:

- A. That all public agencies' actions, to the greatest extent possible, should be taken openly and that their deliberations should be conducted openly.
- B. An informed public is essential to democracy. It is the goal and intent of the City of Santa Ana Sunshine Ordinance that citizens of Santa Ana have timely access to information, opportunities to address the various legislative bodies prior to decisions being made, and easy and timely access to public records.
- C. The City Council's duty is to serve the public, reaching its decisions in full view of the public.
- D. The City Council, appointed legislative bodies, and other city officials exist to conduct the People's business.
- E. The City Council reaffirms its commitment to the purpose of the Brown Act that "all meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency."
- F. That while the Brown Act and Public Records Act exist to facilitate public participation in local government decisions and to curb misuse of the democratic process by secret legislation by public bodies, the Santa Ana Sunshine Laws are designed to reaffirm and strengthen the need for transparency as represented by these laws.
- G. The City Council enacts this Sunshine Ordinance to ensure that the people of Santa Ana remain in control of the government that they have created.

SECTION 2. The adoption of this ordinance is exempt from CEQA and a Notice of Exemption will be filed if this ordinance is adopted.

SECTION 3. Section 2-155 of the Santa Ana Municipal Code is hereby amended such that it reads as follows (new language ted language in strikeout for tracking purposes only):

Sec. 2-155 – Calendars of Certain City Officials

(a) Members of the City Council (including the Mayor), the City Manager, Clerk of the Council, City Attorney, Community Development Agency Director, Finance and Management Services Director, Parks, Recreation and Community Services Director, Planning and Building Director, Police Chief, Director of External Affairs, Public Works Director, Deputy City Manager, and any additional persons in management positions that are considered part of the City's Executive Management Team shall maintain a monthly City Calendar.

(b) The Calendar shall include all scheduled City-related appointments, meetings, including regular and special City Council meetings, meetings with developers, meetings with union representatives, meetings with consultants, meetings with lobbyists, regional meetings, and meetings of subcommittees or task forces.

(c) The Calendars of the Mayor, City Council, and City Manager, and other department heads listed in subsection (a) shall be a public record subject to inspection during normal business hours at the office of the Clerk of the Council and additionally available in electronic format on the City's official website. The calendar shall be made available on the tenth business day of each month and shall reflect the schedules of the previous month.

(d) Each City-related appointment must include the following information: name(s), title(s), and affiliated organization(s). The following information shall be exempted:

- (1) Personal appointments, including personal business appointments;
- (2) Information protected by the attorney-client privilege;
- (3) Information about attorney work product;
- (4) Information about City staff recruitment;
- (5) Information about a personnel issue;
- (6) Information about corporate recruiting and retention;
- (7) Information about criminal investigations and security;
- (8) Information about whistle blowers;
- (9) Information about those who reasonably fear that public disclosure of the fact of their appointment will result in retaliation that will result in significant economic, physical or other tangible harm; and
- (10) Information that is otherwise prohibited from disclosure.

(e) Any violation of this section relating to calendars shall not be a basis for any criminal prosecution.

SECTION 4. Section 2-157 of the Santa Ana Municipal Code is hereby added such that it reads as follows (new and deleted language in underline and strikeout for tracking purposes only):

Sec. 2-157 -- Public Meetings related to City five-year Strategic Plan and Annual Budget

(a) City Strategic Plan—Creation and Public Hearings


(1) Not later than the end of Fiscal Year 2013/14 and at least every five years thereafter, the City Manager shall prepare and submit to the City Council a strategic plan setting forth the City's mission, core values, five year goals, detailed measurable objectives and key performance measures. Prior to submitting the strategic plan to the City Council, the City Manager will conduct a public meeting to review a draft of the plan with the public and receive input from the public regarding the plan.

(2) , Each Fiscal Year the City Manager will conduct a public meeting to present the City's five (5) year Strategic Plan to the community. The purpose of the meeting will be to review the City's progress in achieving its plan and goals with the community and to gain public input on any issues related to the City's five (5) year Strategic Plan.

(b) Annual Budget Meetings-- Each February and September, staff shall strive to host a community meeting in preparation of the annual budget, but in no event shall these meetings be held any later than the last day of March or October, respectively. If at least 30 or more city residents submit a written request for additional meetings to discuss the budget, the Finance Director shall respond to the request and work with the a representative of the requesting group to establish a date, time and place for a meeting.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

ADOPTED this 17th day of June 2013.


Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: Sonia R. Carvalho

| | | |
|--------------|----------------|---|
| AYES: | COUNCILMEMBERS | <u>Amezcuca, Benavides, Martinez Pulido, Reyna, Sarmiento (6)</u> |
| NOES: | COUNCILMEMBERS | <u>None (0)</u> |
| ABSTAIN: | COUNCILMEMBERS | <u>None (0)</u> |
| NOT PRESENT: | COUNCILMEMBERS | <u>Tinajero (1)</u> |

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Maria D. Huizar, Clerk of the Council, do hereby attest to and certify that the attached Ordinance No. NS-2843 to be the original ordinance adopted by the City Council of the City of Santa Ana on June 17, 2013 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: June 26, 2013 Rose Ann Orizillo, Sr. Deputy Clerk
for Clerk of the Council,
City of Santa Ana

RESOLUTION NO. 2009-019

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ESTABLISHING STANDARDS FOR DISTRIBUTION OF TICKETS AND/OR PASSES TO CERTAIN EVENTS IN FURTHERANCE OF THE CITY'S REASONABLY DEFINED PUBLIC PURPOSES.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. From time to time, the City receives tickets or passes to various facilities, events or performances or shows from third party sources, both public and private, which the City distributes to various persons including city employees and officials; and,
- B. The Fair Political Practices Commission ("FPPC") has promulgated regulations regarding when disclosure of receipt of these tickets as gifts may be required for those city officials deemed to be who file annual Statements of Economic Interests ("Form 700") under the City's Conflict of Interest Code; and,
- C. FPPC Regulation 18944.1 permits covered tickets to be distributed to these city officials without being treated as gifts on Form 700 if the City distributes these tickets in accordance with a duly adopted written policy consistent with Section 18944.1; and,
- D. The Fair Political Practices Commission ("FPPC") has clearly stated that it recognizes the discretion of the City Council to determine whether the distribution of such tickets serves a legitimate public purpose of the City.

Section 2. The following standards shall apply to the distribution by the City of tickets and/or passes for admission to a facility, event, show, or performance for entertainment, amusement, recreation, or similar purposes as defined by the FPPC Regulation 18944.1.

- 1. Definitions.
 - a. "Designated Official" shall mean a City public official required by a City Conflict of Interest Code to file a Statement of Economic Interest.
 - b. "Ticket" shall mean a ticket and/or pass for admission to a facility, event, show, or performance for entertainment, amusement,

recreation, or similar purposes (as defined by the FPPC Regulation 18944.1, as amended and interpreted from time to time) that is obtained by the City, a) from an outside source, b) acquired by the City pursuant to a contract for use of City owned property, c) for a City controlled event, or d) purchased by the City at fair market value. This definition shall not include a ticket to an event where there is no admission fee, or to civic, political, community and/or cultural activities including, but not limited to, employee recognitions, neighborhood events, state of the city addresses and community prayer programs, unless expressly determined by otherwise by the FPPC or judicial decision.

2. Purpose of Policy. The purpose of this policy is to ensure that all Tickets provided to the City shall be distributed in accordance with Section 18944.1.

3. Limitations.

- a. This Policy shall only apply to the City's distribution of Tickets to, or at the behest of, a Designated Official.
- b. Tickets provided to a Designated Official as part of their official duties, or tickets provided so that the Designated Official may perform a ceremonial role or function on behalf of the City, shall not be subject to this Policy. These tickets are exempt from any disclosure or reporting requirements.

4. Public Purpose. The City Council hereby finds and determines, in its sound discretion, that the City will accomplish one or more of the following public purposes through distribution of Tickets to Designated Officials, or provided to third persons as the behest of a Designated Official. The list is intended to be illustrative rather than exhaustive of the public purposes that may be served by Designated Officials utilization of Tickets:

- a. Economic, employment and business development on behalf of the City and businesses in the City.
- b. Promotion of City-controlled or sponsored events, activities, or programs, public facilities and resources.
- c. Information gathering and education regarding matters of local, regional and state-wide concern that affect the City including enhancing intergovernmental relations through including attendance at events with or by elected and appointed officials, and their families, from other jurisdictions.

- d. Promoting or showing City appreciation for programs and services rendered by community and other non-profit resources for the benefit of the community including artistic and cultural organizations and institutions.
- e. Promoting, encouraging and rewarding educational and athletic achievements by students and officials of local and regional educational institutions.
- f. Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale including exchange programs with national and foreign officials and dignitaries.
- g. Promotion of open government by Designated Official appearances, participation and/or availability at business or community events.
- h. Attracting and retaining highly qualified employees in City service.
- i. Special recognition or reward of meritorious service by a City employee or for use in a City employee competition or drawing.
- j. Performance of a ceremonial or official function on behalf of the City, including the attendance of the Designated Official's immediate family members.
- k. Recognition of contributions made to the City by former City Council members and City officials.

5. City Manager. The City Council hereby delegates the authority to distribute any Tickets in accordance with this policy to the City Manager. In such case where the City Manager desires to obtain a Ticket, the City Council authorizes the City Manager to exercise the City's sole discretion in determining whether the City Manager's use or distribution of tickets and/or passes is in accordance to the terms of this policy.


6. Transfer Prohibition. The transfer by any Designated Official of any tickets and/or passes distributed pursuant to this policy to any other person, except to members of the Designated Official's immediate family for their personal use, is prohibited. Government Code Section 82029 has defined immediate family to mean spouse and dependent children.

7. Administrative Procedures, Website Posting. The City Manager shall promulgate an Administrative Procedure that implements this Resolution, which shall be posted on the City's website in a prominent fashion.

8. Website Disclosure. The distribution of a ticket or pass pursuant to this policy shall be posted on the City website in a prominent fashion within 30 days after the ticket distribution and shall include all the information as required under Section 18944.1 and FPPC Form 802 or such alternative form as may be approved or amended from time to time.

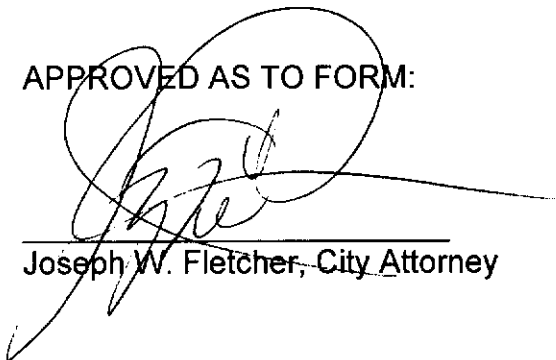
Section 3. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this 6th day of April, 2009.



Miguel A. Pulido
Mayor

APPROVED AS TO FORM:



Joseph W. Fletcher, City Attorney

AYES: Councilmembers: Alvarez, Benavides, Bustamante, Martinez, Pulido, Sarmiento, Tinajero (7)

NOES: Councilmembers: None (0)


ABSTAIN: Councilmembers: None (0)

NOT PRESENT: Councilmembers: None (0)

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, PATRICIA E. HEALY, Clerk of the Council, do hereby attest to and certify that the attached Resolution No. 2009-019 to be the original resolution adopted by the City Council of the City of Santa Ana on April 6, 2009.

Date: April 9, 2009



Patricia E. Healy
Clerk of the Council
City of Santa Ana

RESOLUTION NO. 2006-027

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADOPTING A TRAVEL AND EXPENSE REIMBURSEMENT POLICY IN COMPLIANCE WITH GOVERNMENT CODE SECTION 53232.2 TO PAY FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF OFFICIAL DUTIES.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

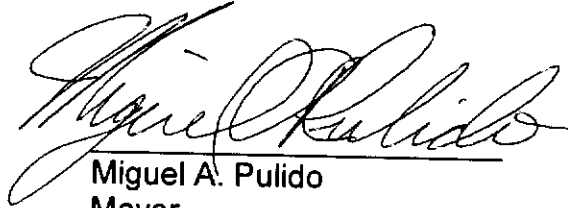
- A. It is necessary and desirable for members of the City Council and certain other appointed City officials to incur various expenses in performance of their official duties.
- B. Santa Ana Charter Section 402 directs that members of the City Council receive "reimbursement for required travel and other expenses while on official business of the City as authorized and approved by the City Council." The City of Santa Ana has along standing policy of ensuring that expenses incurred by its officials be reasonable and restricted to City business.
- C. The California Legislature has enacted Government Code Sections 53232.2 and 53232.3 as part of AB 1234, a comprehensive open-government measure. Many provisions of AB 1234 are or may be inapplicable to Santa Ana as a charter city. Nevertheless, the City Council, in recognition of the City Council's stewardship in matters of public finance, seeks to implement the purpose and intent of Section 53232.2 by formally establishing standards for public officials' expense reimbursement.
- D. Public resources should only be used when there is a substantial benefit to the City such as meeting with regional, state, federal and international officials on matters affecting City policies; participating in regional, state and national organizations, attending educational seminars designed to improve officials' skill and information levels; and, promoting public service and morale by participating in community events.

Section 2. That certain City Council and Board & Commission Travel and Expense Reimbursement Policy attached hereto and identified as Attachment A is hereby adopted as the official policy which shall control the incurrence or

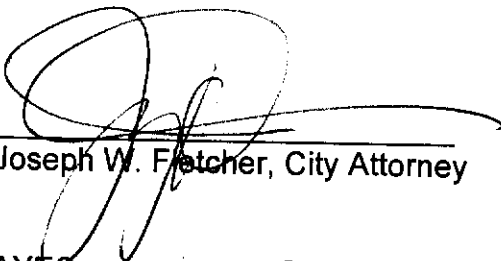
reimbursement of necessary business expenses for members of the City Council and the Mayor, as well as members of any City board, commission or committee covered by Section 53232.2.

Section 3. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this 15th day of May, 2006.


Miguel A. Pulido
Mayor

APPROVED AS TO FORM:

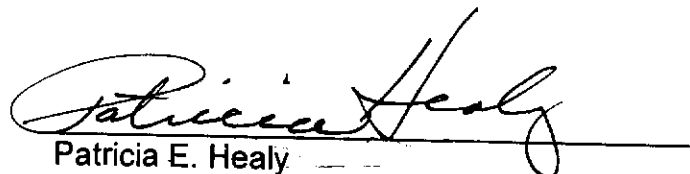

Joseph W. Fletcher, City Attorney

| | | |
|--------------|----------------|---|
| AYES | Councilmembers | <u>Alvarez, Bist, Bustamante, Garcia, Pulido, Solorio (6)</u> |
| NOES: | Councilmembers | <u>None (0)</u> |
| ABSTAIN: | Councilmembers | <u>None (0)</u> |
| NOT PRESENT: | Councilmembers | <u>Christy (1)</u> |

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, PATRICIA E. HEALY, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2006-027 to be the original resolution adopted by the City Council of the City of Santa Ana on May 15, 2006.

Date: 5-22-06


Patricia E. Healy
Clerk of the Council

RESOLUTION NO. 2013-019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING THE CITY COUNCIL RULES AND PROCEDURES TO ESTABLISH PROCEDURES FOR CALLING SPECIAL MEETINGS, ALTERING THE AGENDA FORMAT TO PROVIDE FOR COUNCIL REPORTS, CHANGING THE DAY OF REGULAR COUNCIL MEETINGS, AND REPEALING RESOLUTION NO. 2012-025.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. Section 409 of the City Charter and Sections 2-100 et seq. of Santa Ana Municipal Code call for the City Council to adopt rules and procedures for the scheduling and conducting of meetings of the City Council.
- B. The Ralph M. Brown Act found at Chapter 9, Part 1 of Division 2 of Title 5 of the California Government Code beginning with Section 54950 (the "Brown Act") sets forth statewide standards for meetings of local agencies including the Santa Ana City Council.
- C. The City Council desires to change the day of regular City Council meetings in conformance with the Brown Act and in furtherance of the need for well-managed, efficient and accessible meetings; to establish procedures for calling special meetings and to alter the agenda format.

Section 2. City Council meetings, time and place.

(a) Regular meetings of the City Council shall be on the first and third Tuesdays of each month beginning on January 1, 2014. The meeting shall begin no sooner than the hour of 5:00 p.m. for Closed Session followed by the Regular Open Meeting at 5:45 p.m. The City Council shall publicly convene the meeting and then recess to conduct closed or executive sessions.

(b) Regular meetings of the City Council shall be convened in the Council Chamber or as noted on the Agenda and time as specified on the agenda. After being convened, all meetings may be adjourned to such other place or places as the City Council may order.

(c) Special meetings of the City Council may be held at such locations as stated in the action calling such meetings and otherwise in conformance with the Brown Act. A special meeting may be called by the Mayor or the Mayor Pro Tem by either of them contacting the Clerk of the Council and requesting orally or in writing the call of a special meeting. A majority of the members of the City Council can also call a special meeting by delivering a written notice to the Clerk of the Council of a request for a special meeting. Upon receiving a request from the Mayor, Mayor Pro Tem or a majority of the City Council, the Clerk of the Council shall notice the special meeting.

Section 3. Agenda.

The Clerk of the Council shall prepare an agenda for each regular and special meeting of the City Council containing all items known by such officer to be considered. The order of placing items on the agenda shall be approved from time to time by the City Council. The agenda shall contain such information as required by the Brown Act. In addition, the agenda shall contain the following sections to provide for reporting by the City Council: AB1234 reports, Council Committee reports, and Regional Agency reports.

Section 4. Rules of Procedure.

Procedures before the City Council shall be governed by the most current edition of Robert's Rules of Order, Newly Revised. Application of such procedures shall be vested in the sound discretion of the presiding officer.

Section 5. Decorum; Time limits and other regulations for speaking.

(a) The City Council shall preserve decorum and an orderly procedure during debate. Councilmembers desiring to speak shall seek recognition from the presiding officer. Upon being recognized, a Councilmember shall confine his or her comments to the questions under debate. A Councilmember, once recognized, should not be interrupted unless a point of order is raised by another member. The presiding officer should not recognize a Councilmember to speak who has already spoken on a matter under debate until all other Councilmembers who wish to be heard have spoken. A Councilmember should limit himself or herself to three (3) minutes at any one time without permission of the presiding officer. At the end of each meeting, the presiding officer shall recognize each Councilmember who may speak up to three (3) minutes on matters of public or community interest.

(b) The agenda for all regular meetings of the City Council shall provide members of the public the opportunity to address the City Council on agendized matters and non-agendized matters as required by the Brown Act. All requests to speak shall be submitted in writing and submitted to the Clerk of the Council. No such requests shall be accepted after the public comment session begins without permission of the

presiding officer. The agendas for adjourned, special and emergency meetings of the City Council shall provide for public comment as provided in the Brown Act.

(c) Subject to (d) below, members of the public shall be given a total of three (3) minutes to: (i) address the City Council on any and all matters contained on the City Council agenda as well as the agendas of any of the City's related entities, such as the Successor Agency (formerly the Community Redevelopment Agency) or the Housing Authority, if those entities have meetings scheduled at the same time, and/or (ii) address any matters of public interest provided that they are within the jurisdiction or official business of the City of Santa Ana.

(d) For public hearings, members of the public shall be given three (3) minutes to address the City Council for each duly noticed hearing, unless continued prior to taking testimony. This time limitation shall not apply to the applicant/appellant and/or their representative(s) whose matter is the subject of the public hearing. Applicants shall limit their presentations to a reasonable period of time, subject to the discretion of the presiding officer.

(e) Upon being recognized by the presiding officer, a speaker should step to the designated speaker location, state name and address for the record, and identify the matter by agenda designation (if applicable), and direct remarks to the City Council as a body and not to any individual member thereof. A speaker shall not be denied an opportunity to speak if they do not wish to state their name and address for the record. No person other than members of the City Council and the person having the floor may be permitted to enter into the discussion without permission of the presiding officer.

(f) It shall be within the sound discretion of the presiding officer to set a maximum time for public comment. In setting any limit, the presiding officer shall take into consideration the level of public interest in the matters in question, the length of the meeting and the need to provide for an orderly and effective meeting. As a means of limiting time while maximizing the public's opportunity to address the City Council, if a group of people seeks to address the City Council on the same matter or topic, the presiding officer may direct the group to designate a spokesperson or limited number of speakers to address the City Council.

(g) The following rules shall apply to all persons addressing the City Council. All speakers are requested to:

- direct all testimony to the City Council or the presiding officer and not individual Councilmembers,
- when speaking on agenda matters, limit comments to the agenda item(s),
- when speaking on non-agenda matters, limit comments to matters within the jurisdiction or official business of the City of Santa Ana, and,
- refrain from profane language, racial epithets, libelous or slanderous statements that disturb the decorum of the meeting.

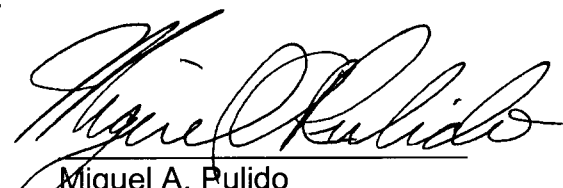
(h) The presiding officer shall have the power and responsibility to enforce decorum and order of the meeting as set forth in Section 2-104(c). Among the other means of enforcement, the presiding officer may order the podium microphone turned off and/or video broadcast interrupted when the presiding officer has determined that an individual or group has disrupted the meeting, or the individual or group has exceeded their allotted time to speak without permission of the presiding officer.

(i) All cell phones, pagers, or electronic devices belonging to the public, press, or personnel that may be disruptive must be placed on vibrate mode/quiet or be turned off while a meeting is in session.

Section 6. The provisions of Section 4 and Section 5 of this resolution shall apply to meetings of committees of the City Council, as may be modified from time to time by such committees.

Section 7. This Resolution shall supersede Resolution No. 2012-025 and shall take effect immediately upon its adoption by the City Council. The Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this 6th day of May 2013.


Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
SONIA R. CARVALHO, City Attorney

By: 
SONIA R. CARVALHO, City Attorney

YES: Councilmembers: Amezcuca, Benavides, Martinez, Reyna, Pulido, Sarmiento, Tinajero (7)

NOES: Councilmembers: None (0)

ABSTAIN: Councilmembers: None (0)

NOT PRESENT: Councilmembers: None (0)

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, MARIA D. HUIZAR, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2013-019 to be the original resolution adopted by the City Council of the City of Santa Ana on May 6, 2013.

Date: 5/14/2013

Maria D. Huizar
Maria D. Huizar,
Clerk of the Council

RESOLUTION NO. 2020-041

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA CALIFORNIA, ESTABLISHING A POLICY ENTITLED "COUNCIL RESIDENCY POLICY" TO ESTABLISH CRITERIA REGARDING DOCUMENTATION NECESSARY TO DEMONSTRATE COMPLIANCE WITH CHARTER SECTION 401

WHEREAS, Section 401 of the Santa Ana City Charter requires persons running for City Council to be a thirty (30) day resident of the ward from which the candidate is nominated and requires persons running for mayor to be a thirty (30) day resident at the time nomination papers are issued; and

WHEREAS, in recent election cycles, there has been controversy regarding the residency of Council candidates; and

WHEREAS, there is a need to establish criteria regarding documentation necessary to demonstrate compliance with the City's residency requirements for candidates of elected office to assist candidates running for elected office in the City and to increase transparency in the nomination process for local elected office; and

WHEREAS, Santa Ana City Charter Section 401 also requires elected officials to live in their respective ward for their entire term; and

WHEREAS, there is a need to establish a Council Residency Policy establishing criteria for documentation necessary to demonstrate compliance with the City's residency requirements for candidates for elected office to be verified by the Clerk of the Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the City Council adopts the attached Council Residency Policy (Exhibit "A") to establish criteria regarding documentation necessary to demonstrate compliance with the City's residency requirement in Santa Ana City Charter Section 401.

SECTION 2. This Resolution shall take effect immediately upon its adopting by the City Council, and the Clerk of Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this 19th day of May, 2020.



Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho
City Attorney

By: Laura A. Rossini

Laura A. Rossini
Acting Chief Assistant City Attorney

| | | |
|--------------|----------------|--|
| AYES: | Councilmembers | <u>Bacerra, Penaloza, Sarmiento, Solorio,</u> <u>Villegas (5)</u> |
| NOES: | Councilmembers | <u>None (0)</u> |
| ABSTAIN: | Councilmembers | <u>None (0)</u> |
| NOT PRESENT: | Councilmembers | <u>Iglesias, Pulido (2)</u> |

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Daisy Gomez, Clerk of the Council do hereby attest to and certify the attached Resolution No. 2020-041 to be the original resolution adopted by the City Council of the City of Santa Ana on May 19, 2020.

Date: 5-22-2020



Daisy Gomez
Clerk of the Council
City of Santa Ana



City of Santa Ana
City Council Handbook

Policies and Procedures

ARTICLE IX. - GIFTS TO PUBLIC OFFICIALS

Sec. 2-851. - Purpose; meaning of terms; interpretation; citation.

- (a) The city council finds that the receipt of gifts by public officials from persons who do business with the city erodes public confidence in the impartiality of decisions made by those officials. The purpose of this article is to prohibit the donation and receipt of specified gifts, thereby eliminating, to the extent possible, such loss of confidence.
- (b) Unless otherwise expressly defined, the terms used in this article shall have the same meaning as defined in the California Political Reform Act (Title 9 of the California Government Code) and regulations issued by the Fair Political Practices Commission pursuant to the authority of the political reform act, as the act and regulations shall be, from time to time, amended.
- (c) This article shall be known as, and may be cited as, the "City of Santa Ana Gift Ban Ordinance."

(Ord. No. NS-2201, § 1, 7-19-93)

Sec. 2-852. - Definitions.

For the purposes of this article:

- (a) *City* shall mean the City of Santa Ana.
- (b) *City officer* shall mean every person who is elected or appointed to an office of the city which is specified in Section 87200 of the California Government Code.
- (c) Designated employee shall mean every employee of the city who is designated in the city's conflict of interest codes to file a statement of economic interests and every member of a city board or commission required to file such a statement.
- (d) Doing business with the city shall mean:
 - (1) Seeking the award of a contract or grant from the city; or
 - (2) Having sought the award of a contract or grant from the city in the past twelve (12) months; or
 - (3) Being engaged as a lobbyist or lobbyist firm, as defined in this article, from the time of such engagement until twelve (12) months after the award of the contract grant, license, permit, or other entitlement for use, which was the subject of the engagement; or
 - (4) Having an existing contractual relationship with the city, until twelve (12) months after the contractual obligations of all parties have been completed; or
 - (5) Seeking, actively supporting, or actively opposing the issuance, by the city, of a license, permit, or other entitlement for use, or having done any of these things within the past twelve (12) months.
- (e) *Gift* shall have the meaning it is defined to have in the California Political Reform Act, and the regulations issued pursuant to that act, except that the following shall not be deemed to be gifts:
 - (1) Meals, beverages, and free admission at any event sponsored by, or for the benefit of, a bona fide educational, academic, or charitable organization, and commemorative gifts from such organizations with a cumulative value, from any single source, of fifty dollars (\$50.00) or less during any 12-month period.
 - (2) Flowers, plants, balloons, or similar tokens which are given to express condolences, congratulations, or sympathy for ill health, or to commemorate special occasions, provided that gifts made or received under this exemption shall not exceed a value of fifty dollars (\$50.00) from any single source in any calendar year.

- (3) A prize awarded on the basis of chance in a bona fide competition not related to the official status of the public official.
- (4) Gifts from any agency of a foreign sovereign nation, provided that such gifts are unconditionally donated by the public official to the city within forty-five (45) days of receipt, and the public official does not claim any tax deduction by virtue of such donation.
- (5) Food and beverages consumed by a public official that total less than five (\$5.00) per occasion.
- (f) *Lobbyist* shall mean any individual, including an attorney, who is employed or contracts for consideration, other than reimbursement of reasonable travel expenses, to communicate directly with any city officer for the purpose of seeking, actively supporting, or actively opposing the award of a contract or grant from the city, or the issuance, by the city, of a license, permit, or other entitlement for use. An attorney shall not be considered a lobbyist when performing activities which can only be performed by a person admitted to the practice of law.
- (g) *Lobbyist firm* shall mean:
 - (1) Any business entity, which is employed or contracts for consideration, other than reimbursement of travel expenses, to communicate directly with a city officer for the purpose of seeking, actively supporting or actively opposing the award of a contract or grant from the city, or the issuance, by the city, of a license, permit, or other entitlement for use, or
 - (2) Any business entity of which any member or employee is a lobbyist.
- (h) *Principal* shall mean any individual or business entity which employs or contracts with a lobbyist or lobbyist firm for any of the purposes stated in subsections (f) or (g).
 - (1) An individual or business entity shall be deemed to be employed or contracting to communicate directly with a city officer if it is reasonably foreseeable that in the course of employment or in the course of performing the contract the individual or an employee of the entity will have a telephone conversation or a discussion with any city officer, outside of any meeting governed by the Ralph M. Brown Act (which is codified in the California Government Code commencing with Section 54950), for the purpose of seeking, actively supporting, or actively opposing the award of a contract or grant from the city, or the issuance, by the city, of a license, permit, or other entitlement for use.
 - (2) An individual lobbyist who is an officer, partner or employee of his or her principal shall be deemed to be "engaged" within the meaning of this section on the first occasion on which he or she engages in a telephone conversation or discussion described in subsection (h)(1). A lobbyist firm, or an individual lobbyist who is not an officer, partner, or employee of his or her principal shall be deemed to be "engaged" within the meaning of this section upon the completion of an agreement, oral or written, to provide the services specified in subsection (f) or (g).
- (i) *Public official* means every city officer and every designated employee.

(Ord. No. NS-2201, § 1, 7-19-93; Ord. No. NS-2472, § 2, 6-4-01)

Sec. 2-853. - Prohibitions.

- (a) No person who is doing business with the city shall make any gift to any city officer.
- (b) No person who is doing business with the city shall make any gift to any designated employee, who, by virtue of his or her city employment, could make a governmental decision, participate in making a governmental decision, or use his or her official position to influence a governmental decision regarding the pending business of the donor, or who has done any of the above during the twelve (12) months preceding the donation.
- (c) No city officer shall solicit or accept any gift from any person whom he or she knows, or has reason to know, is doing business with the city.

- (d) No designated employee shall solicit or accept any gift from any person whom he knows, or has reason to know, is doing business with the city, when such employee by virtue of his city employment, could make a governmental decision, participate in making a governmental decision, or use his or her official position to influence a governmental decision regarding the pending business of the donor, or has done any of the above during the twelve (12) months preceding the donation.
- (e) No public official shall accept any gift when the identity of the donor is not known to the public official.



(Ord. No. NS-2201, § 1, 7-19-93)

Sec. 2-854. - Violations and enforcement.

- (a) Any city officer who violates section 2-853 shall be guilty of a misdemeanor.
- (b) Any designated employee who violates section 2-853 shall be subject to discipline for such violation, including, in appropriate cases, termination of employment.
- (c) Any member of any city board or commission, other than a board or commission established by the constitution or a statute of the State of California, who violates section 2-853, shall be subject to removal from office.
- (d) Any person who violates subsection (a) or (b) of section 2-853 shall be guilty of a misdemeanor.
- (e) These enforcement provisions are in lieu of the penalty provided in section 1-8 of this Code, are cumulative, and are not mutually exclusive.

(Ord. No. NS-2201, § 1, 7-19-93)

Secs. 2-855—2-900. - Reserved.

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|  <p style="text-align: center;">City of Santa Ana Administrative Policies and Procedures</p> |  City Manager's Authorization | |
| Subject ADMINISTRATIVE TRAVEL AND EXPENSE REIMBURSEMENT POLICY | Date <u>Revised July 2021</u> | Number |

I. Objective

To establish an administrative regulation and procedure for authorized travel and reimbursable expenses.

II. Scope and Applicability

This Administrative Policy is intended to provide a consistent and reasonable application for the payment of travel and reimbursable expenses for both travel and training. It is also intended to ensure payments made by the City are for actual, necessary and reasonable expenses incurred while conducting official City business; or while attending local, in-state or out-of-state conferences, conventions, training sessions, meetings and non-training travel on behalf of or for the benefit of the City of Santa Ana. This regulation and procedure in this Administrative Policy applies to elected and appointed officials, department heads and other City employees. Any expenses incurred which are not in accordance with this policy may be deemed the responsibility of the person incurring them. This policy is not intended to limit any restrictions set forth by grant regulations. Therefore, when a travel is grant-funded, the most restrictive regulations are applicable.

III. Definitions

- A. Local travel: Travel for training, conferences, conventions, meetings and non-training travel within 50 miles of City Hall or the City staff's residence. Local travel is not eligible for an overnight stay.
- B. In-State travel: Travel for training, conferences, conventions, meetings and non-training travel outside of a 50-mile radius from City Hall or the City staff's residence. In-State travel is eligible for an overnight stay.
- C. Out-of-State travel: Travel for training, conferences, conventions, meetings and non-training travel which occurs outside of California or not meeting definitions discussed in A or B.
- D. Non-training travel: Includes but not limited to police investigations, inspections, and emergency calls.
- E. Elected Officials: Shall mean members of the City Council.
- F. Department Head or designee: The officially designated individual who directs the daily operation of any department.
- G. City staff: Elected and appointed officials, department heads and other employees.
- H. Designated authority: Executive Director (or his/her designee) or the City Manager (or his/her designee).
- I. Per Diem: A daily allowance for meals and incidental expenses, a specific amount of money that an organization provides an individual per day to cover traveling expenses per established rates by the U.S. General Services Administration (GSA) by locale.

IV. Travel Expense Procedures

The purpose of this section is to define the guidelines on travel and to establish accountability for travel expenses.

A. Conventions and Conferences; Training

- 1. City staff may attend conferences and conventions if there is a direct benefit to Santa Ana's operational, economic, or political condition as a result of attending the conference and/or

convention, or if there is training at the conference and/or convention which meets the definition discussed in the following paragraph.

2. Training is defined as a learning experience, structured in nature which focuses on enhancing specific skills or body of knowledge which ultimately results in departmental benefits and the enhancement of an individual's ability to function more effectively and productively on the job. Local, in-state, and out-of-state training shall be processed in accordance with this travel policy.
3. Any City staff that is an officer of a professional association may be allowed to attend the association's convention or conference if the association or the City staff is bearing the cost for travel, meals, and lodging. If the professional association's convention or conference is of direct benefit to the City, the City may cover the aforementioned costs upon approval by the Executive Director.
4. All City sponsored off-site training sessions and retreats must be conducted within Santa Ana boundaries whenever practical.

B. Attendance Guidelines

1. Attendance to conventions, conferences, or trainings are strongly encouraged to be reflected in the Departmental budget.
2. The Executive Director or designated authority shall decide if it is appropriate to send two or more individuals to the same program or session.
3. When training sessions or conferences are offered at various geographical locations during the year, the geographical location closest to Santa Ana should be chosen whenever possible.

C. Approval of Individual Attendance

1. City staff must obtain written approval from his/her respective Executive Director or designated authority to attend conferences, conventions, training sessions, meetings or non-training events prior to the date of the event.
2. Executive Directors or designated authority are responsible for approving all City staff's travel with regard to purpose, participant, frequency and expense. They are responsible for verifying funds are available and any required special approvals have been obtained prior to incurring expenses. Approval of the Travel Request and Expense Report will be taken as evidence of the reasonableness of the claim, the availability of funds, and the necessity of the trip on behalf or for the benefit of the City of Santa Ana.
3. The City Manager or his/her designee must approve all City staff's out-of-state and overnight travel before actual departure.
4. Council members and Executive Directors shall obtain approval from the City Manager or his/her designee prior to attending conferences, conventions, training sessions, meetings or non-training requiring an overnight stay.

D. Travel Request and Expense Report

1. Local Travel: does not require the submission of a Travel Request and Expense Report.
2. In-State and Out-of-State travel: An approved Travel Request and Expense Report form must be filed with the Finance and Management Services Agency (FMSA) Accounts Payable division prior to any overnight stay and out-of-state travel, even if there will be no cost to the City.
3. All City staff must reconcile and submit the Travel Request and Expense Report within thirty (30) calendar days of completing an approved trip. The reconciled report with actual expenses must be approved by the Executive Director or designated authority. It must be submitted to Accounts Payable with all supporting documentation (e.g. receipts and invoices) for reimbursements, refunds and/or prepaid expenses related to the travel, even if there was only one type of expense (e.g. registration fee, transportation, etc.).

E. Process for Advance Payment

1. Advances will be permitted if the estimated expenses are approved by the Executive Director or designated authority. Otherwise, City staff will pay all bills and submit a reconciled Travel Request and Expense Report as explained in the above procedures. For local travel, City staff must turn in receipts to his/her Executive Director or designated authority for reimbursement or

request cash advancement through petty cash and/or a Direct Payment Voucher (DPV) if the amount exceeds the petty cash limits. (No Travel Request and Expense Report are required.)

2. For any advance payments, City staff should submit an approved and completed Travel Request and Expense Report to Accounts Payable at least 10 full City working days prior to the travel and expense date. Late requests for cash advancement may be delayed and may require City staff to be reimbursed instead.

F. Process for Reimbursement

1. All reimbursement requests must be reconciled and submitted within thirty (30) calendar days from when the claimed expenses were incurred. Requests received after thirty days may be denied unless prior written approval from the City Manager or his/her designee is obtained.
2. Requests must be accompanied by appropriate receipts (originals preferred) with an itemized listing of purchases and all corresponding approvals.
3. Travel expenses that are disputed may be reviewed by the FMSA Executive Director or the City Manager or his/her designee for approval.

G. Meal Expenses

1. The City will not reimburse City staff for meals for local travel, in-state or out-of-state travel that does not require an overnight stay.
2. Expenses for meals and incidentals shall be reasonable and shall not exceed the daily per diem amounts set by the United States General Services Administration (GSA) based upon the location of the convention, conference, training session, meeting or non-training event (www.gsa.gov). Meals exceeding the daily per diem amounts shall be the responsibilities of the City staff. If meals are provided at the event, the full amount based on the GSA per diem rates will be deducted from the daily per diem total.
3. For the first and last day of travel, 75 percent of the daily per diem rate for meals and incidental expenses shall be allowed, as provided on the GSA website. If meals are provided at the event on the first and last days of travel the full, not partial, amount must be deducted from the per diem.
4. Receipts for per diem expenses do not need to be provided.
5. An individual who has received a per diem may submit receipts for reimbursement of a business meeting involving meals under the following conditions: the meal is part of business travel, the meal conforms to the guidelines as permitted under this policy, and the associated per diem meal amount assigned to the individual is deducted from the total amount requested. An individual who has received a per diem and does not submit receipts for reimbursement is not subject to the same guidelines.
6. Meal expenses for City Council meetings are permitted.

H. Other Meal Expenses

1. Meetings for the purpose of discussing City business involving a meal between the City Manager, Executive Director or his/her designee and a Council, Board, or Commission member, an Executive Director or any other designated City staff member are permitted.
2. Meetings for the purpose of discussing City business involving meals, snacks or refreshments are permitted if it involves an individual(s), community member or group, or political representative that are not City staff. Meals, snacks or refreshments are not allowed for meetings with consultants.
3. Meals at City staff training/retreats for the benefit of the City are permitted upon authorization and justification by Department Heads.
4. When items on a meal claim are unusual or the nature of the event causes an unusually high claim, a written explanation must be provided and shall require approval of the City Manager or his/her designee prior to submitting the request for reimbursement.
5. Gratuity may be reimbursed, but should be limited to a maximum of 20% of the total check (excluding alcoholic beverages). An exception may be granted if a food vendor/caterer charges higher gratuity for larger parties/events.

6. Meals, snacks, or refreshments for Human Recourses-related examination panels are permitted only if the panel includes non-City staff (raters).
7. Meals, snacks, refreshments are permitted during declared emergencies or when the Emergency Operations Center is activated.
8. Departments should use food vendors identified by the Purchasing Division or established within the City limits.

I. Hotel Expenses

The following rules apply to expenses relating to lodging while at a conference, convention, training session, meeting or non-training event:

1. Compensation shall be limited to the minimum number of nights required to conduct the assigned City business.
2. City staff, when given a choice, should lodge in a facility with reasonable rates. Advance reservation payments should be processed through Accounts Payable or on a City credit card.
3. Single room rates shall always be used, except when two City staff share the same room. The City shall not pay for room companions who are not on City business.
4. The room itemized receipt must be attached to the final Travel Request and Expense Report.
5. City staff will not be reimbursed the going rate for a hotel room if they choose to lodge with family or friends and forego hotel accommodations while traveling on City business.

J. Travel by Commercial Carrier

When traveling to a conference, convention, training session, meeting or non-training event by commercial carrier, the following rules apply to expenses:

1. Nonstop fare routes at economy fare will be the maximum cost that the City will pay. City staff shall bear the cost of any airline premiums or seat upgrades.
2. A ticket copy or electronic receipt must be attached to the final Travel Request and Expense Report.
3. If air travel is appropriate and the City staff elects another method of travel to an event, reimbursement will not exceed that of the cost of air travel and the cost of transportation to and from the airport. Price and calculation comparison details must be submitted with the travel reimbursement request.
4. If air travel is appropriate and the City staff elects another method of travel to an event which results in extra time-off during the work week, the City staff will be required to use vacation, compensatory time or unpaid leave to extend his/her stay.
5. If a voucher is issued to the employee by the airline for flight cancellation or any other reason, the voucher shall be turned over to the departmental travel coordinator for future City use.

K. Travel by Car

When traveling by car, the following rules apply:

1. City staff is encouraged to use a City car for local travel. If using a City vehicle is not practical, a private vehicle may be used. All gas and vehicle related receipts for City cars are reimbursable.
2. If City staff uses a private vehicle, reimbursement will be at the current Internal Revenue Service standard mileage reimbursement rate per mile (which includes gas, oil, insurance and depreciation). The City staff is responsible for maintaining liability insurance on the private vehicle as required by the State of California.
3. In accordance with standard business practice, mileage reimbursement will be calculated for mileage exceeding the City staff's regular commute to and from work. For example, if round trip mileage for travel was 20 miles and City staff's normal commute to work is 15 miles round trip then the reimbursement will be calculated based off of the difference, 5 miles. The mileage rate will be based off the current IRS rate.

4. Drivers must be legally licensed and shall carry sufficient vehicle insurance required by the State of California.
 5. Any and all citations or tickets incurred as a result of a violation of local, state, or Federal laws and regulations shall be the responsibility of the City staff regardless of whether a City or private vehicle was used
 6. For further information on guidelines and procedures related to all vehicles, please see the City's Vehicle Use Policy.
- L. Rental Car, Taxi, Shuttle and Other Ground Transportation Fees
- Such expenses are permitted providing adherence to the following:
1. Approval of the necessity to use a rental car must be made by the Executive Director prior to the travel.
 2. The user shall rent from the agency offering the most reasonable rate at the place of destination.
 3. Rental car receipts shall be attached to the final Travel Request and Expense Report.
 4. Necessary taxi, shuttle or other ground transportation fees will be compensated without prior approval but must be accompanied by a receipt or certified by the City staff on the final Travel Request and Expense Report.
 5. Any sharing of transportation expenses must be reflected on the final Travel Request and Expense Report (e.g. non-City staff sharing in rental car expenses).
- M. Parking Fees and Tolls
1. Tolls and parking fees paid in route and at the destination when using a City or private car is reimbursable. Receipts should accompany reimbursement requests.
 2. Parking fees related to one day seminars, conferences, training are reimbursable.
 3. When practical, carpooling is encouraged.
 4. Airport parking can be used for travel exceeding twenty-four hours.
- N. Group Travel
- When two or more City staff travel together, each will be reimbursed only for that City staff's actual expenses.
- O. Non-City Staff Travel
- When a City staff's travel expenses are increased because the City staff has chosen to take his/her spouse, family or companion with him/her on a trip, reimbursement will be based entirely on what the minimum charges would have been had the City staff traveled alone. It shall be the City staff's responsibility to determine the single room rate and single travel fare and to submit these to Accounts Payable for reimbursement.
- P. Miscellaneous Travel Expenses
1. City staff will be reimbursed for internet access connection if the internet access is necessary for City business. Reimbursement must be substantiated by a receipt.
 2. Per diem amounts set by the United States General Services Administration include a daily allocation for incidental expenses related to fees and tips (porters, baggage handlers, hotel staff, etc.). Any request for reimbursement above the set amount will not be reimbursed.
 3. The City shall not reimburse City staff for personal expenses which are not directly related to the purpose of the trip (e.g. toiletries, movie rentals, phone use, laundry service, optional events or special tours).
- Q. Exceptions to Travel Regulations
1. Out-of-State and/or overnight travel for police personnel for unexpected circumstances, police matters or emergencies are subject to the Police Chief or his/her designee's approval but not the City Manager's approval before actual departure; however, all other travel policy requirements apply.

2. The Commission on Peace Officer Standards Training (POST) sets per diem or allowance rate requirements provided to peace officers that may not comply with this policy. City staff is expected to follow POST requirements in such instances.
3. Any City staff that receives a car allowance or is assigned a City vehicle is not eligible for mileage reimbursement. However, City staff that receives a car allowance may be reimbursed for mileage provided that business held is outside of Orange County limits.
4. Any exceptions or unusual circumstances not provided for in these regulations must have specific written approval of the City Manager or his/her designee in advance.

R. Travel Costs Charged to Federal and State Grants

1. Federal Grants

- a. If travel costs are charged directly to a Federal grant, they must comply with Office of Management and Budget's Uniform Guidance for Travel Costs (2 CFR §200.474). This guidance includes a requirement that documentation must justify the following:
 - i. Participation of the individual is necessary to the Federal award; and
 - ii. The costs and supporting documentation are reasonable and consistent with the City's established travel policy.
- b. Travel costs that are not consistent with the City's established travel policy will not be allowed; however, an exception to this policy will be permitted if the granting agency's written approval is obtained prior to the travel date.

2. State Grants

- a. Pursuant to state grant agreements, travel costs that are charged directly to a state grant should comply with the rules and regulations set forth by the California Department of Human Resources (CalHR), previously known as the Department of Personnel Administration).
 - i. Maximum travel reimbursement rates can be found on the CalHR website (calhr.ca.gov)
 - ii. Travel costs that are in excess of the CalHR maximum travel reimbursement rates will be the responsibility of the City.
3. Travel costs that are not consistent with the City's established travel policy will not be allowed; however, an exception to this policy will be permitted if the granting agency's written approval is obtained prior to the travel date.

V. Unauthorized Expenses

Unless prior written approval from the City Manager or his/her designee is received or written approval consideration by the City Manager is granted to the department head, the following are prohibited:

A. Meals

1. Meals, snacks or incidental expenses for staff-to-staff meetings. This applies to meetings where the participants are exclusively staff members.
2. Meals at City Board, Commission, and Committee meetings. Snacks and refreshments are permitted.
3. Meals and other expenses for City staff recognition and appreciation events, retirement celebrations or other special occasions. Snacks and refreshments are permitted.

B. Miscellaneous

Unless prior written approval from the City Manager or his/her designee is received or written approval consideration by the City Manager is granted to the department head, the following are prohibited:

1. Miscellaneous expenses for City sponsored events, not adhering to the City's Purchasing Policies and Procedures.
2. Miscellaneous purchase of office supplies and office equipment, not adhering to the City's Purchasing Policies and Procedures.

3. Purchases of goods and services which are for the personal use or enjoyment of a City staff or department (e.g. plants, coffee maker, heater, etc.).
4. Overnight stays for local or in-state travel that does not meet the mileage requirements set forth in section III above.

Personal expenses that the City will not reimburse include:

1. Alcoholic Beverages
2. Political events
3. Charitable contributions or events.
4. Recreational or cultural activities (e.g. green fees, athletic events, concerts, admission to museums).
5. Non-mileage personal automobile expense including repairs, traffic citations, toll citations, insurance or gasoline.

Any questions regarding the propriety of a particular type of expense should be resolved before the expense is incurred.

VI. City Credit Cards

Cardholders should refer to the City's Credit Card policy for allowable uses and other information.

VII. Responsibilities

The responsibility for implementing and monitoring the compliance of this Administrative Policy has been assigned primarily to the Executive Director of each Department. FMSA will review all travel and reimbursement requests to ensure departmental compliance.

Attachment A

City Council and Board & Commission Travel and Expense Reimbursement Policy

A. Covered Officials/Activities

This policy shall apply to expense reimbursement requests for members of the City Council including the Mayor and when acting in their elected roles as well as when acting in their capacities as members of the governing boards of the Santa Ana Community Redevelopment Agency, Santa Ana Housing Authority, Santa Ana Public Financing Authority, and any other agency for which the City Councils acts as the governing body. This shall also apply to members of the following City boards, commissions and committees; Planning Commission, Community Redevelopment and Housing Commission, Library Board, Recreation Parks and Community Services Board, Personnel Board, Human Relations Commission, Environmental and Transportation Advisory Committee, Youth Commission and any other City controlled body which meets the definition of "legislative body" found in Government Code Section 53232.2.

B. Authorized Expenses.

City funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized City business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:

1. Communicating, lobbying and negotiating with representatives of regional, state, national and foreign governments on matters affecting City policies and positions, and representation of the City with such other governments at official events and memorials;
2. Attending educational seminars designed to improve officials' skill and information levels;
3. Representing Santa Ana on state and regional agencies, authorities and districts such as the Metropolitan Water District; Orange County Sanitation District, Transportation Corridors Agency, Orange County Transportation Authority and the Orange County Water District;
4. Participating in regional, state and national organizations whose activities affect the City's interests;
5. Attending official events of local and regional charities and other prominent non-profit agencies active in the Santa Ana and Orange County communities;

6. Attending City events including employee awards programs, neighborhood events and community meetings;
7. Meals for persons with whom the official is conducting City-related business;
8. Participating in City-sanctioned economic development activities promoting or implementing a strategy for attracting or retaining businesses and other development to the City.

C. Unauthorized Expenses.

The following expenditures incurred by affected officials in the course and scope of their official duties shall not be reimbursed without prior City Council approval:

1. The personal portion of any trip;
2. Political contributions;
3. Family expenses, including those of a partner when accompanying an affected official on official business, child or pet care. Solely in the case of local charity/community activities described in B5 and B6 above, the City Manager may pay for attendance of a spouse or guest of the affected official.
4. Entertainment expenses, including theatre, shows, movies, sporting events, golf, spa treatments, etc.
5. Non-mileage personal automobile expenses including repairs, insurance, gasoline, traffic citations.

D. Statement of Policy

Travel expenses shall be allowed or reimbursed for days actually spent on City business, for programmed days of a conference or meetings, and for time spent in travel to and from these events. Expenses shall be computed for the days of the conference or event attended and for travel days not to exceed one day before and after the event if reasonably necessary.

E. Airfare

Generally, air transportation expenses shall not exceed the cost of jet air coach. First class travel may be approved by the City Manager when it is the only class available or if delay would result in additional expenses. All air travel shall be booked as far in advance as possible so as to receive the lowest fares possible. Overnight flight may be chosen by the individual but is not required. Affected officials shall use government and group rates for travel offered in conjunction with the event when available. Mileage for use

of a personal vehicle may be paid in lieu of airfare, not to exceed the lowest available coach fare. In such a case, however, no additional lodging shall be permitted attributable to vehicular travel time.

F. Meals

Affected officials shall be entitled to reimbursement for meals and associated gratuities at a per diem rate of \$50.00. Meal expenses in the high cost metropolitan areas shall be \$65.00. The Executive Director of Management and Financial Services shall establish a list of qualifying high cost areas. He or she shall also adjust the per diem amounts annually in accordance with changes in the consumer price index.

G. Lodging

1. Lodging expenses will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay.
2. Conferences/Meetings. If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, then the official must request government rates, when available.
3. Other Lodging. Where lodging is necessary for an activity that is not related to a conference or other organized educational activity, reimbursement shall be provided at an amount not exceeding the prevailing rate in the community for business class hotels. Whenever available, government rates shall be utilized.

H. Travel

1. Mileage expenses for use of official's personal vehicle at the IRS approved rate unless the official receives an auto allowance as part of compensation, except when in lieu of airfare as provided below.
2. Bridge tolls and parking charges.
3. Taxi fares or shuttles fares including a 15 percent gratuity per fare, where no rental car is utilized.
4. Rental car expenses. The use of rental cars is permitted when determined to be the most effective use for local transportation. Mid-size vehicles shall be utilized unless the conference/event is being attended by multiple city officials/staff members, in which case the sharing of rental cars should be considered where reasonable.

5. Airport parking for the official's personal vehicle. Long term airport parking shall be utilized where feasible. In lieu of parking, an airport shuttle may be used not to exceed long term parking costs for the trip.

I. Miscellaneous Expenses

The following additional expenses are reimbursable.

1. Actual and documented telephone and fax expenses incurred on City business.
2. Internet access connection and/or usage fees.
3. Miscellaneous travel expenses such as baggage handling fees of up to \$2 per bag and reasonable tips and gratuities.
4. Conference and Training registration fees.


J. Implementation/Documentation/Reports

The Executive Director of Management and Finance Services, in consultation with the City Attorney, shall develop an Expense Reimbursement Form complying with the terms of Government Code Section 53232.3. All requests for advances or reimbursement shall be made in conformance with the adopted form and this Policy. Any qualifying expense may be provided in advance payments provided such expenses are supported by receipts.

City Council members shall coordinate all travel and other City-related expenses with the City Manager's Office. The City Manager shall adopt procedures to further implement the policy herein created. The City Manager is also encouraged to implement comparable policies for City staff.

In the case of members of the City boards, commissions and committees, no reimbursement otherwise allowable by this policy shall be reimbursed unless the expenditure is approved in advance by the City Manager or Agency Executive Director responsible for the particular board, commission or committee.

Each affected official seeking reimbursement for expenses hereunder to attend a Brown Act-governed meeting shall make a brief written or verbal report to their body at its next regular meeting.

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|  City of Santa Ana Policies and Procedures | City Council Approval | |
| | Section: | |
| COUNCIL RESIDENCY POLICY | Date Approved: | Number: |

SECTION 1 DEFINITIONS

By-Ward Elections

On the November 6, 2018 General Municipal Election, voters approved a Charter amendment to transition from at-large City Councilmember elections to by-Ward elections. Wards 1, 3, and 5 will be subject to election on November 3, 2020, serving a four-year term. Wards 2, 4, and 6 will be subject to election on November 8, 2022, serving a four-year term. The Mayor shall be elected from the City at-large, serving a two-year term.

The City is divided into Wards and one member is elected per Ward. Only the voters in a specific City Council Ward may vote for City Council candidates for that Ward.

City

"City" means the City of Santa Ana, a municipal corporation.

Santa Ana City Charter Section 401

This Charter Section provides in pertinent part that to be eligible to be elected to the office of Councilmember, a person must be a qualified voter and a thirty (30) day resident of the ward from which the candidate is nominated at the time nomination papers are issued. The Mayor need only be a registered voter and a thirty (30) day resident of the City at such time. In the event any Councilmember other than the Mayor shall cease to be a resident of the Ward from which the Councilmember (or, in the case of an appointee, the Councilmember's predecessor) was elected, or in the event the Mayor shall cease to be a resident of the City, the office shall immediately become vacant and shall be filled in the same manner as herein provided for other vacancies; provided, that where a Councilmember ceases to be a resident of the ward from which the Councilmember (or, in case of an appointee, the Councilmember's predecessor) was elected solely because of a change in boundaries of any ward as in this charter provided, the Councilmember shall not lose the office by reason of such change. If a

member of the City Council shall be convicted of a crime involving moral turpitude, the office shall immediately become vacant and be so declared by the City Council.

SECTION 2 PURPOSE OF POLICY

The following policy is enacted to establish what types of supporting documentation can be provided by City Council and Mayoral candidates and sitting City Councilmembers and the Mayor to demonstrate that the candidate or elected official resides in their respective Ward or within the City they will or do represent.

Objectives of Policy:

1. To establish what types of documentation are sufficient to establish residency pursuant to Charter section 401.
2. To establish what types of documentation are sufficient to verify continued residency in the Ward or in the City for current elected officials.
3. To protect the interests of all Santa Ana citizens and maintain proper representation by developing policies that will help ensure that the Councilmembers truly reside in the Ward they represent and the Mayor truly resides in the City of Santa Ana.
4. To adopt enabling legislation via a municipal resolution to establish necessary policies.

Accomplishing the above stated objectives will help ensure that both the letter and spirit of Charter Section 401 will be implemented as Santa Ana voters intended.

SECTION 3 RESIDENCY REQUIREMENTS FOR MAYOR AND COUNCIL CANDIDATES

In addition to providing the County of Orange Registrar of Voters proof of voter registration at a residential address in the respective Ward when that residence is claimed by a candidate running for a City Council seat or within the City for the Mayoral seat, candidates must provide no less than two of the following additional documentation to the Clerk of the Council to verify that candidates meet the 30-day residency requirement. This additional documentation must be current and valid in the candidate's name and residence address for a date not less than 30 days from the date the nomination paper is issued:

1. **PROOF OF HOME OWNERSHIP / RENTAL PROPERTY.** Proof of home ownership as evidenced by 1) a copy of a title deed or grant deed, a mortgage

payment billing statement verifying the address or any other document that can verify home ownership and residency of the property; or 2) evidence of a homeowner's property tax exemption filed with the County of Orange Assessor for proof that the home is the primary residence; or

If candidates do not have a tax exemption on file, they must submit an affidavit signed by the candidate under penalty of perjury verifying that the home is the candidate's primary residence; or

If the home ownership is in the name of a person other than the candidate, or in the name of a legal entity, such as a trust, partnership, or corporation, the candidate must submit a signed and notarized affidavit, under penalty of perjury, by the homeowner or authorized legal representative of the entity verifying that candidate is living in the home as their primary residence; or

If the residence is rented or leased by the candidate, the candidate will provide proof of residency by submitting a signed copy of a current and legally enforceable lease or rental agreement demonstrating that the candidate resided at the specified address at least 30 days prior to issuing the nomination paper; or

If a candidate is living at a residence without a lease or rental agreement and whose name otherwise does not appear in the proof of home ownership, the candidate may have the landlord or property owner sign a notarized affidavit verifying, under penalty of perjury, the candidate's residency in the landlord or owner's property.

- 2. PROOF OF CALIFORNIA MOTOR VEHICLE REGISTRATION WITH INSURANCE.** Proof of California motor vehicle registration and current vehicle insurance, if any motor vehicles are registered to the candidate for the residency claimed, or proof of a valid and unexpired California driver's license or identification card showing their name and address is consistent with the address shown on the nomination paper. If the residence address on either the driver's license or auto registration is in the process of being changed to a residence address in the respective Ward that residence is claimed for running for a City Council seat or at an address within the City for a Mayoral seat, the candidate must provide a document from the California Department of Motor Vehicles (Form DMV 14) verifying the change was in process no less than 30 days before

the issuing of the nomination paper. If a candidate does not own an automobile or does not have a California driver's license or identification card, the candidate may submit any other State of California issued identification showing the residence address on the identifying document is consistent with the residence address shown on the nomination paper issued.

- 3. UTILITY BILL.** An electric, gas, water, sewer, refuse, internet, cable TV, or landline phone bill in the candidate's name showing that the service address is consistent with the residence address in the candidate's nomination paper. In the event a utility bill has not been generated, a letter from an authorized representative of the utility provider stating that an account has been opened in the candidate's name at the residence address in the candidate's nomination paper that is no less than 30 days from the date of issuance of the nomination paper will suffice. If there is an agreement with a landlord or other legal entity, as verified by a rental contract or lease contract, that the landlord or other legal entity will pay the utility bill, the candidate must submit a notarized affidavit signed by the landlord or the other legal entity's authorized legal representative verifying, under penalty of perjury, that the landlord or other legal entity is responsible for paying the utility bill.
- 4. OTHER DOCUMENTS WITH CURRENT ADDRESS DATED NOT OLDER THAN 90 DAYS AND NOT LESS THAN 30 DAYS:**
 - a. School records or any official document issued by an accredited educational institution with current address sealed by the school.
 - b. Current paycheck stub or personnel record issued by the candidate's employer showing the candidate's current residence address.
 - c. Current homeowner or renter's insurance policy.
 - d. Any original document issued by a governmental entity, office, or governmental authority from the U.S., California, County of Orange, City of Santa Ana, school district, agency, department, or any other political subdivision of the U.S. or State of California that is typed and contains the agency name, department name, state/county/city official seal, or is on official letterhead.

- e. Current documents issued by any California court or federal court that lists the name of the candidate and the residence address.
- f. Original record issued by any state or national bank, state or federal savings association, trust company, industrial loan company, state or federal credit union, or any institution or entity that has issued a credit card.

Additionally, the candidate must sign an affidavit, in a form approved by the Clerk of the Council and City Attorney verifying, under penalty of perjury, residency.

If the candidate fails to provide any two of the above-required documents (items 1-4) and the required affidavit, the candidate will not be issued the nomination paper for failure to meet the Charter Section 401 Ward residency requirement.

SECTION 4

PROVIDING PROOF OF RESIDENCY FOR COUNCIL CANDIDATES

Candidates are required to file all of the documents specified in Section 3 above with the Santa Ana Clerk of the Council's Office for verification at the time nomination papers are issued. The Clerk of the Council will review and verify that all required information is correct and meets the requirements of this Policy. No later than five (5) calendar days from receipt of the candidate's documents, the Clerk of the Council's Office shall complete the review and verification of the documents. The Clerk of the Council will then do one of the following:

- A. If all City residency requirements are satisfied pursuant to this Policy, the Clerk of the Council's Office will provide a correspondence by email or certified mail to the candidate confirming that the candidate has met the City's residency requirements; or
- B. If any deficiencies are discovered in the documents provided or certain documents are missing, the Clerk of the Council's Office will provide a correspondence by email or certified mail to the candidate identifying the specific deficiency(ies) or missing document(s). The candidate will have until the closing date of the nomination period to correct the deficiencies and re-submit the required documents for verification to the Clerk of the Council; or
- C. If the candidate either fails to complete verification of all of the requirements of this Policy within the prescribed time limits, or the resubmitted documents do not meet the requirements of the Policy, the Clerk of the Council's Office will provide

a correspondence by email or certified mail to the candidate advising them of the failure to meet the requirements of the Policy; or

- D. If the documents resubmitted by the candidate meet all requirements of this Policy, the Clerk of the Council's Office will provide a correspondence by email or certified mail to the candidate confirming that the Policy's residency requirements have been met.

SECTION 5

PROVIDING PROOF OF RESIDENCY FOR COUNCILMEMBERS AND MAYOR

Councilmembers are required to live in the Ward they represent and the Mayor is required to live in the City of Santa Ana during their entire term in office. To ensure that the Councilmembers and Mayor continue to live in the area they represent, each elected official must submit one of the following documents to the Clerk of the Council during the last 31 calendar days of the year (December 1st to 31st), with the exception of the first year in office:

1. Proof of home ownership as evidenced by 1) a copy of a title deed or grant deed, a mortgage payment billing statement verifying the address or any other document that can verify home ownership and residency of the property, or 2) evidence of a homeowner's property tax exemption filed with the County of Orange Assessor for proof that the home is their primary residence.

If the elected official does not have a tax exemption on file they must submit an affidavit signed by the elected official verifying that the home is their primary residence; or

If the home ownership is in the name of a person other than the elected official, or in the name of a legal entity, such as a trust, partnership or corporation, the elected official must submit an affidavit signed by the homeowner or authorized legal representative of the entity verifying that the elected official is living in the home as their primary residence; or

If the residence is rented or leased by the elected official, the elected official will provide proof of residency by submitting a signed copy of a current and legally enforceable lease or rental agreement demonstrating that the elected official resides at the specified address; or

If an elected official is living at a residence without a lease/rental agreement the elected official must have the landlord or property owner sign an affidavit

verifying, under penalty of perjury, the elected official's residency in landlord or owner's property.

2. Proof of current motor vehicle registration, if any motor vehicles are registered to the elected official for the residence claimed or proof of a valid California driver's license showing their address on their license is within the ward they represent or within the City for the Mayor. If the residence address on either the driver's license or auto registration is in process of being changed, the elected official must provide a document from the California Department of Motor Vehicles (Form DMC14) verifying the change is in process. If the elected official does not own an automobile or does not have a California driver's license, the elected official must submit any other State of California issued identification showing that their address on the identification document is consistent with the address shown on their current voter registration.
3. A current utility bill in the elected member's name showing that the service address is within the respective Ward for the Councilmember or within the City for the Mayor in the elected official's name. In the event a utility bill has not been generated, a letter from an authorized representative of the utility provider stating that an account has been opened in the elected official's name will suffice. If there is an agreement with a landlord or other legal entity, as verified by a rental contract or lease contract, that the landlord or other legal entity will pay the utility bill, the elected official must submit an affidavit signed by the landlord or the other legal entity's authorized legal representative, verifying that the landlord or other legal entity is responsible for paying the utility bill.
4. Other documents showing current residence address in the respective Ward for the Councilmember or City for the Mayor:
 - a. School records or any official document issued by an accredited educational institution, sealed by the school.
 - b. Current paycheck stub or personnel record issued by the elected official's employer.
 - c. Current homeowner or renter insurance policy.
 - d. Any original document issued by a governmental entity, office, or governmental authority from the U.S., California, County of Orange, City of Santa Ana, school district, agency, department, or any other political

subdivision of the U.S. or State of California that is typed and contains the agency name, department name, state/county/city official seal, or is on official letterhead.

- e. Current documents issued by any California court or a federal court that lists the name of the elected official and their residence address.
- f. Original record issued by any state or national bank, state or federal savings association, trust company, industrial loan company, state or federal credit union, or any institution or entity that has issued a credit card.

Additionally, the elected official must sign an affidavit verifying, under penalty of perjury, residency.

In the event that a Councilmember moved to a new residence within the Ward, or City for the Mayor, after the filing of the previous affidavit, the elected official must confirm the new address within 60 days of moving by providing one of the documents listed in items 1 through 4 under Section 3 and an affidavit to the Clerk of the Council.

Incumbent elected officials who have not relocated since the information required by this Section was last provided may comply with this Section by supplying a copy of a current driver's license or State of California issued identification card and an affidavit that they have not relocated and all previously supplied information remains true and correct. The Clerk of the Council shall confirm that the residence address on the incumbent elected official's voter registration is consistent with the other items supplied to demonstrate the residence address in the respective Ward that residence is claimed for serving in a City Council seat or at a residence address within the City for a Mayoral seat.

Failure to provide any of the above-required documents on or before December 31st of each year shall be referred to the City Council for further action.

SECTION 6 INVESTIGATION AND ENFORCEMENT

Any fraudulent residency complaints shall be submitted to the City Attorney for review and potential investigation. The City Attorney may refer such complaints to the County of Orange District Attorney. The District Attorney shall have the discretion to investigate

residency complaints and if sufficient evidence of fraud is found during the investigation, the District Attorney can elect to prosecute.

SECTION 7 TRANSPARENCY

The Clerk of the Council shall post the names and corresponding Council Ward, as appropriate, consistent with applicable confidentiality laws, of all candidates that have met the residency requirements of this Policy on the City's website and have a hard copy of the list available to be picked up at the Clerk of the Council's Office during normal business hours. Any confidential information shall be redacted before the public record is made available for inspection in accordance with the Public Records Act. After the election, the list of qualified candidates shall be removed from the City website and hard copies will no longer be available for pickup at the Clerk of the Council's Office.

A copy of this Policy shall be available, year-round on the City's website and a hard copy shall be available by request at the Clerk of the Council's Office during normal business hours. This will enable prospective candidates to review the residency requirements pursuant to this Policy.

SECTION 8 REVIEW

The Council shall request, at a regularly scheduled meeting, to review the implementation and practice of this Policy and, if necessary, amend the Policy to reflect required changes.

SECTION 9 EFFECTIVE DATE

This Policy shall take effect upon final passage. This Policy, along with any subsequent amendments, shall be the Council Residency Policy of the City of Santa Ana.

Council Residency Policy Adopted May 19, 2020 by Resolution No. 2020-041



AFFIDAVIT OF RESIDENCE

Name _____
Street Address _____
City, State _____
Zip _____

Date _____

To Whom This May Concern,

I, _____, formally acknowledge living at the street address of _____, City of _____, State of _____ since _____, 20____.

I have attached the following documents for your consideration showing no less than 30 days of residency address from date of signing this affidavit:

- Proof of Home Ownership/Rental Property
- Proof of Motor Vehicle Registration
- Utility Bill – electric, water, sewer, refuse, internet, cable TV or landline phone services
- Other: _____

Furthermore, I swear and affirm under penalty of perjury that the facts set forth in this statement are true and accurate. Executed this ____ day of _____, 20____, in _____, California.

Declarant's signature

Declarant's name (printed)

Notary Acknowledgment

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of _____

County of _____

On _____, before me, _____, Notary Public, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of in the State of _____ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Print Name _____

Place Notary Seal Above



**City of Santa Ana
Administrative
Policies and Procedures**

City Council Adoption

City Council Recognition Policy

**Date Revised:
June 19, 2018**

PURPOSE:

Establish guidelines for recognition of individuals, groups, and events by issuance of proclamations and certificates of recognition.

PROPOSAL:

Implement a process that will allow the City Council to be consistent in determining the appropriate number of presentations at each City Council meeting, and the level and category of each presentation award. This process will not only ensure consistency among each presentation but will also decrease the costs of providing recognition.

PROCEDURES:

It shall be the policy of the City Council that will evaluate a request for recognition. Staff will use the guidelines of this policy as a basis for deciding appropriate recognition. Based upon these guidelines, City Council members may issue recognition as is appropriate to the type of request. This item may then be considered for placement on the agenda for presentation at a City Council meeting, be presented at an outside meeting or event, or be mailed to the recipient.

Further, it is the policy of the City Council that the City Manager's Office will process all requests for recognition that meet this policy as a matter of routine. The City Manager may, at any time, add to, delete, or modify any section or portion of a section of this policy.

BACKGROUND:

The City of Santa Ana has not declared a formal policy or consistent procedure that will set guidelines to the appearance of and amount of recognition that may be presented by councilmembers. Currently, councilmembers are permitted to recognize any individual,

group, or official on behalf of the Mayor and the entire City Council without a limit. To better serve the City Council, staff recommends establishing the following policy.

POLICY

This policy outlines the process for the issuance of formal recognition at City Council meetings or non-City Council meeting events, in support of a particular event, program or cause, group, or recognition of a particular individual by the City Council.

- 1. It is the policy of the City of Santa Ana to proclaim certain periods of time and recognize individuals and/or organizations for their outstanding performance in accordance with the criteria set forth below.
- 2. Each Councilmember will have the opportunity to request a maximum of 1 presentation per City Council meeting.
- 3. City Councilmembers may request certificates or proclamations for events outside of the City Council meetings, but may not exceed 20 certificates and/or 2 proclamations per event.
- 4. To ensure recognition requests are received and processed by the City Manager’s Office on a timely basis, Councilmembers will provide the recipients information as identified below:

- Name of Recipient(s)
- Contact Information
- Date of Presentation (City Council Meeting or Event)
- Type of Award (Proclamation/Certificate of Recognition)
- Brief Background Information Regarding Recipient/Event

- 5. Email requests for recognition will be copied to all city councilmembers so that there is a record of each request submitted to the City Manager’s Office and will further serve as an opportunity for councilmembers to review all requests prior to the recognition.
- 6. Requests for council meeting recognition from councilmembers must be submitted to the City Manager’s Office at least 7 calendar days in advance of the time period for which they seek recognition. Advanced notice is necessary to ensure that requests are processed accurately and to allow the City Manager’s Office time to prepare speaking points and to confirm that recipients will be able to attend the City Council meeting.
- 7. The Clerk of the Council shall add the presentation items to the City Council Agenda as approved by the City Manager. Presentations will be listed on the Agenda as

individual recipients of the recognition (i.e. name of the business, organization, and/or individual(s) identified) to inform the council and public as to who is recipient of said recognition. In an effort to streamline the presentations, it is recommended that groups larger than 10 be given out as a set and not mentioned individually.

GENERAL CRITERIA

Candidates for recognition must meet the following minimum requirements:

1. Candidates must have made contributions or achievements directly affecting the lives of Santa Ana citizens, or achievements within the City, but candidates need not be residents of the City and organizations do not need to be located in the City.
2. Service recognized will benefit the community and will be of an outstanding nature.
3. Service will be non-compensable and will show dedication to the City of Santa Ana.
4. Generally, City employees are not eligible for recognition except where their service or achievement/contribution is deemed above and beyond the scope of their normal duties.

AREAS OF RECOGNITION:

Recognition may be for, but will not be limited to, service in one or more of the following areas:

1. *Business* – contribution toward the improvement of the industrial/business community in such a way as to benefit the City (e.g., through Rotary, Chamber of Commerce, Grand Opening, etc.)
2. *Community* – contribution to the positive growth, progress, improved image and/or economic improvement of the City.
3. *Education* – contribution to the students of Santa Ana or to the educational system, which will directly or indirectly influence the educational awareness and achievement of students.
4. *Non-Profit* – in recognition of the significant achievement or contribution of a non-profit organization, that organization shall receive a certificate at a City Council meeting.
5. *Academic* – a certificate may be issued to individuals for exemplary academic achievements.

6. *Athletic* – a certificate may be issued to an individual, or sports team for exceptional performance.
7. *Memorial* – the Mayor may dedicate a meeting to the memory of an individual at the time of adjournment. At the Mayor's discretion, an In Memoriam certificate may also be prepared and mailed to the descendant's next of kin (In Memoriam certificates are processed by the Clerk of the Council's Office).
8. *National Day/Week/Month or Dates of Observance* – a proclamation may be issued by/to an organization or individual who has a direct correlation with the recognition.
9. *Anniversary* – A certificate or proclamation of anniversary shall be prepared to commemorate an anniversary for a community service organization located in the City, a company doing business within the City or another public agency. The organization being honored shall be invited to send a representative to a City Council meeting to receive the award.

Limitation of requests include:

- a) A proclamation request will be honored only for major anniversaries (e.g., 25th, 50th, 100th, etc.)
 - b) For all other anniversaries a certificate of recognition will be provided.
10. *Acts of Heroism* – A certificate may be issued to an individual who performs heroic acts within the City or representing the City. (military, saving a life, etc.)
 11. *Retirement* – A certificate or proclamation may be issued for the retirement of an influential individual within the City.
 12. The Mayor, at his or her discretion, may present an award to an individual or group in addition to the items noted above.

RECOGNITION TYPES


Acknowledgments are issued based on the following general guidelines

Certificates of Recognition – A certificate of recognition is prepared in response to the type of recognition requested. Types of certificates issued include certificates of commendation, recognition, appreciation, accomplishment, and In Memoriam. Certificates are prepared by the City Manager's Office and signed by the City Council. Certificates may be presented at a City Council meeting or at an event or meeting outside of the City Council meeting, or they may be mailed to the recipient.

- a) Certificates of recognition for less than 5 people at City Council Meetings will be placed in blue padded folders with the City Seal. Certificates of recognition for more than 5 persons will be placed in blue paper folders.
- b) Certificates of recognition for any amount of people for non-City Council meetings will be placed in blue paper folders with the City Seal.

Proclamation – Proclamations are issued to designate a day, week, month, or year during/on which an event, individual, organization or cause shall be recognized or observed; and shall have applicability to the Santa Ana community and/or local government entity. Proclamations may also be issued to individuals or organizations in recognition of efforts, actions or accomplishments of an individual or group when those efforts, actions or accomplishments have had a positive effect on this community or relationship to this community. Proclamations are prepared by the City Manager's Office and signed by the City Council. They may be presented at a City Council meeting or at an outside meeting or event.

- a) Proclamation recognitions for less than 5 people at City Council meetings will be placed in blue padded folders with the City Seal. Proclamation recognitions for more than 5 persons will be placed in blue paper folders.
- b) Proclamation recognitions for any amount of people for non-City Council meetings will be placed in blue paper folders with the City Seal.

| | | |
|--|-------------------------------------|----------------|
|  <p style="text-align: center;">City of Santa Ana Administrative Policies and Procedures</p> | City Manager's Authorization | |
| | Section: <i>Dwight</i> | |
| Policy and Procedures Regarding Invocations at Meetings of the City Council | Date Approved: 02/11/2014 | Number: |

BACKGROUND

Legislative bodies in America have long maintained a tradition of solemnizing proceedings by allowing for an opening prayer (or an invocation) before each meeting, for the benefit and blessing of the legislative bodies. Such prayer before deliberative public bodies has been consistently upheld as constitutional by American courts, including the United States Supreme Court. Since the incorporation of the City, the City Council has followed a practice of selecting a member of local clergy to provide invocations at City Council meetings. The City now desires to adopt this formal, written policy to clarify and codify its invocation practices.

ISSUES/ANALYSIS

In order to comply with decisions of the United States Supreme Court as well as lower courts regarding the use of invocations at the meetings of legislative bodies, it is wise to establish a formal policy regarding invocations at City Council meetings setting forth a procedure with specific guidelines for selecting the person or persons who will give the invocation.

The City has long maintained a tradition of solemnizing proceedings by allowing for an opening prayer before each meeting, for the benefit and blessing of the legislative bodies; and since the incorporation of the City, the City has followed a practice of selecting a member of Police Department's Chaplain Program to provide invocations at City Council meetings; and the City now desires to adopt this formal, written policy to clarify its invocation practices; and such prayer before deliberative public bodies has been consistently upheld as constitutional by American courts, including the United States Supreme Court cases:

Marsh v. Chambers, 463 U.S. 783 (1983), the United States Supreme Court rejected a challenge to the Nebraska Legislature's practice of opening each day of its sessions with a prayer by a chaplain paid with taxpayer dollars, and specifically concluded, "The opening of sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the history and tradition of this country. From colonial times through the founding of the Republic and ever since, the practice of

legislative prayer has coexisted with the principles of disestablishment and religious freedom." *Id.*, at 786.

The Supreme Court further held, "To invoke divine guidance on a public body ... is not, in these circumstances, an "establishment of religion or a step toward establishment; it is simply a tolerable acknowledgment of beliefs widely held among the people of this country." *Id.*, at 792.

The Supreme Court affirmed in Lynch v. Donnelly, 465 U.S. 668 (1984), "Our history is replete with official references to the value and invocation of Divine guidance in deliberations and pronouncements of the Founding Fathers and contemporary leaders." *Id.*, at 675.

The Supreme Court further stated, "Those government acknowledgments of religion serve, in the only ways reasonably possible in our culture, the legitimate secular purposes of solemnizing public occasions, expressing confidence in the future, and encouraging the recognition of what is worthy of appreciation in society. For that reason, and because of their history and ubiquity, those practices are not understood as conveying government approval of particular religious beliefs." *Id.*, at 693 (O'Connor, J., concurring).

The Supreme Court also famously observed in Zorach v. Clauson, 343 U.S. 306 (1952), "We are a religious people whose institutions presuppose a Supreme Being." *Id.*, at 313-14.

The Supreme Court acknowledged in Holy Trinity Church v. United States, 143 U.S. 457 (1892), that the American people have long followed a "custom of opening sessions of all deliberative bodies and most conventions with prayer ...," *Id.*, at 471.

The Supreme Court has determined, "The content of [such] prayer is not of concern to judges where ... there is no indication that the prayer opportunity has been exploited to proselytize or advance any one, or to disparage any other, faith or belief." Marsh, 463 U.S. at 794-795.

The Supreme Court also proclaimed that it should not be the job of the courts or deliberative public bodies "to embark on a sensitive evaluation or to parse the content of a particular prayer" offered before a deliberative public body. *Id.*

The Supreme Court has counseled against the efforts of government officials to affirmatively screen, censor, prescribe and/or proscribe the specific content of public prayers offered by private speakers, as such government efforts would violate the First Amendment rights of those speakers. See, e.g., Lee v. Weisman, 505 U.S. 577, 588-589 (1992).

The City intends, and has intended in past practice, to adopt a policy that upholds an individual's "free exercise" rights under the First Amendment.

The Supreme Court has repeatedly clarified that "there is a crucial difference between government speech endorsing religion, which the Establishment Clause forbids, and private speech endorsing religion, which the Free Speech and Free Exercise Clauses protect." Bd. of Educ. of Westside Community Schools v. Mergens, 496 U.S. 226, 250 (1990).

POLICY

The City intends, and has intended in past practice, to adopt a policy that does not proselytize or advance any faith, or show any purposeful preference of one religious view to the exclusion of others.

This policy set forth below has been approved by two federal courts in the cases of Pelphrey v. Cobb County (11th Cir. 2008) 547 F.3d 1263 and Rubin v. City of Lancaster (2011) 80 F.Supp.2d 1107.

The City recognizes its constitutional duty to interpret, construe, and amend its policies to comply with constitutional requirements as they are announced.

1. In order to solemnize proceedings of the City Council, it is the policy of the City to allow for an invocation or prayer to be offered at its meetings for the benefit of the City Council and the community.

2. The prayer shall not be listed or recognized as an agenda item for the meeting so that it may be clear the prayer is not considered a part of the public business.

3. No member of the City Council or City employee or any other person in attendance at the meeting shall be required to participate in any prayer that is offered,

4. The prayer shall be voluntarily delivered by an eligible member of the clergy or a religious leader in the City of Santa Ana. To ensure that such person (the "invocational speaker") is selected from among a wide pool of the City's clergy/religious leaders, on a rotating basis, the invocational speaker shall be selected according to the following procedure:

- a. The Police Department shall compile and maintain a database (the "Congregations List") of the religious congregations with an established presence in the City of Santa Ana.
- b. The Congregations List shall be compiled by referencing the listing for "churches," "congregations," or other religious assemblies in the annual Yellow Pages telephone directory or directories published for the City of Santa Ana, research from the Internet, and consultation with local chambers of commerce. All churches, congregations or other religious assemblies with an established presence in the City of Santa Ana are

eligible to be included in the Congregations List, and any such church, congregation or religious assembly can confirm its inclusion by specific written request to the Clerk.

- c. The Congregations List shall also include the name and contact information of any chaplain who may serve one or more of the fire departments or law enforcement agencies of the City of Santa Ana or any nearby military facilities.
- d. The Congregations List shall be updated, by reasonable efforts of the Police Department on a regular basis.
- e. Within thirty (30) days of the effective date of this policy, and on or about December 1 of each calendar year thereafter, the Police Department shall mail an invitation addressed to the "religious leader" of each church, congregation or religious assembly listed on the Congregations List, as well as to the individual chaplains included on the Congregations List.
- f. The invitation shall be dated at the top of the page and read as follows:

Dear religious leader,

The City of Santa Ana makes it a policy to invite members of the clergy in the City to voluntarily offer a prayer before the beginning of its meetings, for the benefit and blessing of the City Council. As the leader of one of the religious congregations with an established presence in the local community of the City of Santa Ana, or in your capacity as a chaplain, you are eligible to offer this important service at an upcoming meeting of the City Council.

If you are willing to assist the City Council in this regard, please send a written reply at your earliest convenience to the Police Department at the address included on this letterhead. Clergy are scheduled on a first-come, first-serve, or other random basis. The dates of the City Council's scheduled meetings for the upcoming year are listed on the following, attached page. If you have a preference among the dates, please state that request in your written reply.

This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. To maintain a spirit of respect and ecumenism, the City Council requests only that the prayer opportunity not be exploited as an effort to convert others to the particular faith of the invocational speaker, nor to disparage any faith or belief different from that of the invocational speaker.

On behalf of the City Council, I thank you in advance for considering this invitation.

Sincerely,
XXXX

- g. Consistent with paragraph 7 hereof and, as the invitation letter indicates, the respondents to the invitation shall be scheduled on a first-come, first-served, or other random basis to deliver the prayers.
 - h. If the selected invitational speaker does not appear at the scheduled meeting, the Mayor may ask for a volunteer from among the Council or the audience to deliver the invocation.
5. No invitational speaker shall receive compensation for his or her service.
6. The Police Department shall make every reasonable effort to ensure that a variety of eligible invitational speakers are scheduled for the City Council meetings. In any event, no invitational speaker shall be scheduled to offer a prayer at consecutive meetings of the City Council or at more than three (3) City Council meetings in any calendar year.
7. Neither the City Council nor the Police Department shall engage in any prior inquiry, review of, or involvement in, the content of any prayer to be offered by an invitational speaker.
8. This policy shall apply to all Commissions of the City of Santa Ana.
9. Shortly before the opening gavel that officially begins the meeting, the Mayor or presiding officer of a commission shall introduce the invitational speaker and the person selected to recite the Pledge of Allegiance following the invocation and invite only those persons who wish to do so to stand for those observances with the City Council.
10. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the City Council with, nor express the City Council's preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the City Council's respect for the diversity of religious denominations and faiths represented and practiced among the citizens of Santa Ana.

APPROVED AS TO FORM:



Sonia R. Carvalho,
City Attorney