

CITY OF SACRAMENTO CHARTER**Article I Introductory****§ 1 Name.**

The municipal corporation now existing and known as the City of Sacramento shall remain and continue a body politic and corporate in name and fact by the name of the City of Sacramento and by such name shall have perpetual succession.

§ 2 Boundaries.

The boundaries of the City of Sacramento, as they exist on the effective date of this section, shall continue until changed in the manner authorized by law.

§ 3 Rights in succession.

The City of Sacramento, hereinafter termed the city, shall have, exercise and enjoy all the rights, immunities, powers, benefits, privileges and franchises now possessed, enjoyed, owned or held by it.

§ 4 Continuance of laws.

All lawful ordinances, resolutions, rules and regulations or portions thereof now in force and not in conflict or inconsistent herewith are continued in force until they have been duly repealed or amended.

§ 5 Offices.

The city council may establish departments, divisions, offices and positions of employment not established by this Charter or created thereunder and shall have the power to abolish, merge or consolidate same.

The city council may also provide for the performance by the County of Sacramento of all or any municipal functions which may now or hereafter be performed by said county, including municipal functions specifically provided for in this Charter. The city council may abolish the appropriate city departments, offices and employments when such municipal functions are to be provided by the County of Sacramento.

Article II Powers**§ 10 General powers.**

The city shall have the right and power to make and enforce all the laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter; provided that nothing herein shall be construed to prevent or restrict the city from exercising or consenting to, and the city is hereby authorized to exercise, any and all rights,

powers and privileges heretofore or hereafter granted or prescribed by the general laws of the state including those specifically applicable to general law cities; provided, also that where the general laws of the state provide a procedure for the carrying out and the enforcement of any rights or powers belonging to the city, said procedure may be followed unless a different procedure is provided or required by the Charter, ordinance or resolution.

It is the intention of the people in adopting this section to take advantage of the provisions of Section 5 of Article XI of the Constitution of the State of California giving cities Home Rule as to municipal affairs.

§ 11 Water supply and meters.

The supply of water for the City of Sacramento for municipal and domestic purposes shall always be owned and controlled as a municipal utility and shall be administered by the city government. No water meters shall ever be attached to residential water service pipes; provided, however, that the city council in its discretion may regulate by meter the charges for water supply of all other water users.

Article III The City Council

§ 20 Powers.

All powers of the city shall be vested in the city council except as otherwise provided in this Charter.

§ 21 Composition.

The legislative body or the city shall be a city council of nine members, consisting of the mayor and eight other members. Each council member other than the mayor shall be nominated and elected by the electors of the district in which such person resides as provided in Article X.

§ 22 Districts.

The city is hereby divided into eight council districts, designed First through Eighth Districts, respectively. Council districts in existence upon the effective date of this Charter shall continue to exist until altered as provided in Section 24. The Title of the office of each member of the council other than the mayor shall bear the number accorded the district of such member.

§ 23 District standards.

Council districts shall be as nearly equal in population as required under the Federal and State Constitutions. In establishing or changing the boundaries of districts, consideration shall be given to the following factors: topography, geography, cohesiveness, continuity integrity and

compactness of territory, community of interests of the districts, existing neighborhoods and community boundaries.

§ 24 Reapportionment of districts.

(a) Within six months after a regular United States census, the city council shall examine the boundaries of each council district for compliance with the population standard set forth in Section 23 and by ordinance shall modify the boundaries of districts, if necessary, to bring all district boundaries into compliance with said standard. The term a “regular United States census” shall mean a comprehensive population census which is held at regular intervals prescribed by Congress and produces population data equivalent to that described as “Block Data” in the 1970 decennial census.

(b) For purposes of this section the six-month period shall begin upon the availability or population data equivalent to that described as “Block Data” in the 1970 census.

§ 25 Redistricting.

District boundaries may be changed by ordinance, provided that any such revised district boundaries shall comply with the population standard set forth in Section 23 except that territory annexed or consolidated with the city shall at the time of such annexation or consolidation be added by ordinance to an adjacent district or districts pending the examination of district boundaries as provided in Paragraph (a) of Section 24.

§ 26 Terms of office.

Each member of the city council other than the mayor shall serve for a term of four years and until a successor qualifies.

§ 27 Qualifications of members.

Each member of the council or candidate therefore, other than for the office of mayor, at the date of candidacy and election or appointment, shall be an elector and a resident in such member’s district for not less than 30 days preceding the date of candidacy and election or appointment, as the case may be, and must continue to reside in such district during the term of office, except that no boundary change under Section 24 or 25 shall disqualify a member from serving the remainder of the term. The term “elector” means a person who qualifies to vote at either a state election or federal election held in the State of California. “Date of candidacy” shall mean the date of filing nominating papers or equivalent declaration or candidacy.

§ 28 Vacancies.

A vacancy on the city council other than the office of the mayor shall be filled by special election to be called by the council as provided in Section 154 of this Charter, unless such vacancy occurs within one year of the next general election at which such office would normally be filled, in which case the vacancy shall be filled by appointment by a majority of the remaining

members of the council. A person elected or appointed to fill a vacancy shall hold office for the unexpired term of the former incumbent.

Absence from five consecutive regular meetings of the city council, unless excused by resolution of the council, shall operate to vacate the seat of the mayor or council member so absent.

§ 29 Compensation.

There shall be established a compensation commission whose function shall be to establish the compensation for the mayor, members of the city council, and public members of city boards and commissions. The commission shall be comprised of five members selected pursuant to Section 230 of Article XV of this Charter for staggered four-year terms. The chair of the commission shall be a retired judicial officer and all members shall be residents of the City of Sacramento. The commission shall meet at least once a year and shall serve without compensation. The city shall fund the expenses of the commission. Within one hundred eighty (180) days of passage of this measure, the commission shall set the compensation for the mayor and members of the city council. Compensation shall be reasonable and consistent with other cities similar in size and structure.

§ 30 Rules, quorum and voting.

(a) The city council shall determine its rules of procedure according to rules which it shall adopt.

(b) A majority of the members of the council then in office shall constitute a quorum, except that a lesser number may adjourn from time to time and may compel attendance or absent members in a manner provided by ordinance or resolution.

(c) The city council shall act only by ordinance, resolution or motion. Except as otherwise provided in the Charter the affirmative vote of five council members or the council shall be necessary to pass any ordinance, resolution or motion. The council shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of said body or any of them.

§ 31 Meetings.

(a) The city council shall hold regular meetings at such times and places as may be fixed by resolution, except that the council shall meet after 5 p.m. not less than one evening each week; provided, however, that the city council may, in its discretion, designate up to four weeks per year during which a regular council meeting need not be held.

(b) All meetings of the city council and its committees shall be called and conducted in the manner prescribed by State laws regarding matters of statewide concern which are in effect at the time of the meeting.

§ 32 Ordinances.

(a) Every proposed ordinance shall be introduced in writing. The enacting clause of each ordinance enacted by the council shall be “Be it Enacted by the Council of the City of Sacramento.” The enacting clause of each ordinance enacted by the initiative or referendum process shall be “Be it Enacted by the People of the City of Sacramento.” Each ordinance shall contain a title which shall state in general terms the subject or subjects contained in the ordinance.

(b) Except as otherwise provided elsewhere in this Charter, and with the exception or ordinances which take effect immediately upon adoption, ordinances shall be adopted in compliance with either the procedure set forth in Subsection (c) or Subsection (d) of this section.

(c) The ordinance shall be first passed by the council for publication of title. At least six days shall elapse between the date the ordinance was passed for publication of title and the date it is adopted by the council. The title of the ordinance shall be published by printing said title in a newspaper of general circulation published within the City designated by the council as the official newspaper of the City, no later than the third day immediately preceding the date of the adoption of the ordinance. No part of any ordinance, or proposed ordinance, other than its title, need be published.

(d) In lieu of the procedure set forth in Subsection (c) of this section, ordinances shall be published in the official newspaper of the City within ten days after adoption by the council.

(e) Ordinances which take effect immediately upon adoption, may be adopted without compliance with Subsections (b), (c) or (d) of this section.

(f) 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.

(g) The following ordinances shall take effect immediately upon adoption or at such later dates, of less than thirty (30) days after adoption, as may be specified in the ordinances:

(1) An ordinance calling for or otherwise relating to an election;

(2) An ordinance adopted as and declared by the city council to be an emergency measure, containing a statement of the facts constituting such emergency, if adopted by the affirmative votes of at least six members of the council; provided, that no measure making a grant, renewal or extension of a franchise or other special privilege or regulating the rate to be charged for its service by a public utility, other than one operated by the city, may be so enacted; and

(3) An ordinance adopted pursuant to a state law by virtue of which such ordinance shall be effective immediately.

(h) Nothing contained in this section shall be deemed to require an ordinance when an ordinance is not otherwise required. (Adopted November 4, 1980)

§ 33 Records.

The city council shall require the city clerk to keep a permanent public record of its proceedings showing all action considered and taken, motions and records, the text of ordinances and resolutions introduced or adopted and all amendments thereto proposed or adopted, and the vote of each council member regarding any matter before the city council or any committee thereof.

§ 34 Investigations.

The city council or any duly appointed committee of the members of the council may make investigations into the affairs of the city government and the conduct of any department, office, agency, officer or employee thereof, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails to obey a lawful order issued in the exercise of these powers by the city council or a committee of the council shall be guilty of a misdemeanor and punishable by fine or imprisonment, or both, in such amount and for such time as prescribed by state law for misdemeanors.

§ 35 Limitation on future employment.

No member of the council during the term for which such person shall have been elected or appointed or for one year after such person ceases to hold office, shall be eligible for any appointive office or position in the city, carrying compensation, and created by this Charter, by ordinance or by resolution. An elective office which has been filled by appointment by reason of a vacancy in that office shall not be considered an appointive office under this section.

Article IV Mayor

§ 40 Mayor—Functions.

- (a) The presiding officer of the city shall be the mayor.
- (b) The mayor:
 - (1) Shall be recognized as the official head of the city for the performance of all duties lawfully delegated to the mayor by this Charter, by action of the council or by other laws.
 - (2) Shall provide leadership within the community in the sense that the mayor shall have the primary, but not exclusive, responsibility of interpreting the policies, programs and needs of city government to the people, and as the occasion requires, may inform the people of any change in policy or program;

(3) Shall have the right but not the exclusive power to make recommendations to the city council on matters of policy and program that require council decisions;

(4) Shall be a member of the city council and shall be entitled to make and second motions on matters before the city council and vote on city council actions, but shall possess no veto power over actions of the city council;

(5) Shall be included within the terms “council” and “city council” used in this Charter unless otherwise expressly provided;

(6) May propose ordinances and resolutions which shall be considered by the city council;

(7) Shall appoint and may remove members of the boards and commissions and advisory agencies in accordance with Article XV except as otherwise provided in this Charter;

(8) Shall have and exercise such other powers and duties as provided in this Charter, the laws of the state, and ordinances and resolutions of the city.

§ 41 Mayor—Qualifications.

The mayor or candidate therefore, at the date of candidacy and election or appointment, shall be an elector and a resident of the city not less than 30 days prior to the date of candidacy and election or appointment, as the case may be, and shall continue to reside in the city during the term of office. The term “elector” shall have the meaning given in Section 27 of Article III. “Date of candidacy” shall mean the date of filing nomination papers or equivalent declaration or candidacy.

§ 42 Mayor—Election.

The mayor shall be elected from the city at large as provided in Section 152 or Article X of this Charter.

§ 43 Mayor—Term.

The term of office of mayor shall be four years, and until a successor qualifies.

§ 44 Mayor—Compensation and expenses for full-time service.

The mayor shall serve full-time and shall receive compensation as established by the compensation commission pursuant to Section 29 of Article III of this Charter. The mayor shall devote his or her full time and attention to the duties of the office.

§ 45 Vice-Mayor; Mayor Pro Tem.

At the first council meeting in January of each year, the city council shall elect one of its members, other than the mayor, to serve as vice-mayor during the ensuing calendar year.

During any absence of the mayor from the city or a meeting of the city council, the vice-mayor shall be the acting mayor until the mayor returns. In addition, if the mayor becomes incapable of acting as mayor and incapable of delegating duties, or if a vacancy exists in the office of mayor, the vice-mayor shall become the acting mayor.

In the event of the absence, vacancy in office or inability of both the mayor and vice-mayor to perform their duties, the council may appoint one of its members to serve as mayor pro tem. The mayor pro tem shall temporarily act in the capacity of an acting mayor. Any person serving as an acting mayor under this section shall continue to hold office as a member of the city council.

An acting mayor shall possess all powers of the office of mayor and shall be subject to all prescribed duties for such office.

§ 46 Mayor—Vacancy.

A vacancy in the office of the mayor shall be filled by special election to be called by the city council as provided in Section 154 of this Charter, unless such vacancy occurs within one year of the next general election at which the office of mayor would normally be filled, in which case the vacancy shall be filled by appointment by a majority of the members of the city council then in office. A person elected or appointed to fill a vacancy in the office of mayor shall hold office for the unexpired term of the former incumbent.

Article V City Manager

§ 60 City Manager—Appointment, qualifications and removal.

There shall be a city manager who shall be appointed by the city council. The city manager shall be selected solely on the basis of executive and administrative qualifications. The city manager shall be appointed by and shall serve at the pleasure of the city council.

§ 61 Functions.

The city manager shall be the chief executive officer of the city and shall be responsible for the effective administration of the city government. The city manager shall have the power and it shall be the city manager's duty:

- (a) To see that all laws and ordinances are enforced;
- (b) To administer and exercise supervision and control over all offices, departments and services of the city government under the jurisdiction and control of the city manager;

(c) To act in an advisory capacity to the city council with respect to officials not under the jurisdiction and control of the city manager;

(d) Except as otherwise provided in this Charter, to appoint all heads or directors of departments of the city and all subordinate officers and employees with power to discipline and remove any officer or employee so appointed, subject to the civil service provisions of this Charter; provided, further, that all officers and employees of the city appointed by the city manager who are exempt from the rules and regulations of the civil service board pursuant to Charter Section 83 may be suspended or removed at the pleasure of the city manager.

(e) To make such recommendations to the mayor and city council as the city manager shall deem appropriate concerning the operation, affairs and future needs of the city;

(f) To attend all regular and special public meetings of the city council with the right to participate in the discussion of matters pending before the council but without the right to vote on such matters;

(g) To see that all terms or conditions imposed in favor of the city or the people of the city in any contract franchise, lease or permit are faithfully kept and performed; and upon knowledge of any violation thereof to notify the city council of such violation;

(h) When authorized to do so by the provisions of this Charter or by ordinance or resolution, to execute, on behalf of the city all contracts, franchises, lease or permits or any other document requiring the execution of which is required by an officer of the city;

(i) To keep the city council fully advised as to the operations, financial conditions and needs of the city;

(j) To prepare the annual budget in accordance with Charter Section 111.

(k) To perform such other duties consistent with this Charter as may be prescribed by the city council.

§ 62 Non-interference with City Manager.

No member of the city council shall directly or indirectly coerce or attempt to coerce the city manager relative to the appointment or removal of any city officer or employee which is made by the city manager, but prior to the making of any appointment or removal of any head or director of any department or division of the city, the city manager shall endeavor to advise the city council of his intention to do so.

The city council and its members shall deal solely and directly through the city manager with respect to the part of city government under the direction and supervision of the city manager; provided, that nothing herein shall limit the power of the city council, or members thereof, to do the following:

- (a) to conduct investigations as provided in Section 34 of this Charter, or
- (b) to contact officers and employees of the city for the purpose of inquiry or obtaining information that is a public record, or
- (c) to contact officers and employees designated by the city manager for the purpose of advising said officers and employees or citizen complaints relating to the operation of city government.

§ 63 Removal of City Manager

The city manager cannot be removed from office except by a vote of six members of the city council. The city manager shall not be subject to removal from office within twelve months of the date that the city manager first assumes the duties of office except for incompetence, malfeasance, misfeasance or neglect of duty. If the removal is proposed within the first twelve months, the city manager may demand written charges and a public hearing before the city council prior to the date upon which his removal becomes effective; but the decision of the city council shall be final, conclusive and binding upon the city manager, and pending such hearing the council may suspend the city manager from duty without loss of normal compensation.

Article VI Other Appointive Officers

§ 70 Appointive officers.

The following other city officers shall be appointed by the city council:

- (a) City Clerk;
- (b) City Attorney;
- (c) City Treasurer; and
- (d) Such other officers and employees of its own body as it deems necessary.

§ 71 City Clerk.

The city council shall appoint a city clerk who shall have custody of and shall be responsible for the official seal and records of the city. The city clerk shall act as secretary of the city council and all other boards, commissions and agencies of the city. The city council shall prescribe the qualifications additional duties and compensation of the city clerk. The city clerk shall appoint subject to the civil service provisions of this Charter, such deputies and employees as the council may by resolution prescribe.

§ 72 City Attorney.

The city council shall appoint a city attorney and shall prescribe the qualifications, duties and compensation of such officer. The city attorney shall serve as legal counsel to the city government and all officers, departments, boards, commissions and agencies thereof and shall have such other powers and duties as may be prescribed by state law and by ordinance or resolution of the city council. In situations where the city attorney determines there is a conflict in representation by that office, the city council may authorize the retention or other legal counsel to represent one of the conflicting parties. The city attorney shall appoint all other members of the city attorney's office.

§ 73 City Treasurer.

The city treasurer shall be responsible for the deposit and investment of all funds of the city treasury not made subject to the control of others pursuant to this Charter. The city treasurer shall keep the city council fully advised as to the deposit and investment of funds subject to his control. The city council shall prescribe the qualifications, additional duties, and compensation of the city treasurer. The city treasurer shall appoint, subject to the civil service provisions of this Charter, such deputies and employees as the council may by resolution prescribe.

§ 74 Mayor's staff.

The mayor shall appoint such members of the mayor's staff, exempt from the civil service system, as may be provided by resolution. The compensation paid to such staff members shall be fixed by resolution of the council. The mayor's staff shall serve at the pleasure of the mayor.

§ 75 Method of suspension and removal of appointive officers and employees.

Every appointive officer appointed by the city council as provided in Section 70 of this article may be suspended or removed at the pleasure of the city council.

§ 76 Duty to inform council.

Each appointive officer specified in Section 70 shall have the duty to promptly and fully inform the city council of any act of misfeasance or malfeasance known to said appointive officer to have been committed by any officer or employee of the city if such act might significantly and adversely affect the finances or operations of the city. The city council, by ordinance or resolution, may further define the procedures and provisions determined to be necessary to implement and operate under this section.

Article VII Civil Service

§ 80 Creation of board.

The civil service board shall consist of five citizens of the city who shall have no connection with city government. The city council shall appoint said board members for five year terms. Board members in office on the effective date of this section shall continue in office

during their unexpired terms unless removed as provided by law. Vacancies on the civil service board from whatever cause shall be filled by the city council for the unexpired term.

§ 81 Secretary.

The city manager shall appoint a director of personnel who shall serve as secretary of the civil service board. The director of personnel shall act as chief examiner and supervise all examinations, subject to the direction of the board. The director of personnel shall also perform such other duties as are prescribed by this Charter, by the city manager, by the civil service board or by ordinance or resolution of the city council.

§ 82 Power to administer oaths.

The secretary of the civil service board and such other employees in the civil service office authorized by the board by order duly entered in the minutes shall have the power and authority to take affidavits and administer oaths in all matters relating to civil service.

§ 83 Exemptions and classified service.

The officers and employees of the city who shall be exempt from the rules and regulations of the civil service board shall include:

- (a) Officers directly elected by the people;
- (b) Members of advisory boards and commissions;
- (c) The city manager, and any person or persons employed as assistant city manager, and confidential secretary;
- (d) Those officials of the city government responsible for the operation of a city department or division, along with those persons who may be employed as assistants to such officials; and
- (e) Those employees occupying positions in classes which are filled only on a part-time, seasonal, or limited term basis. The city council shall, by resolution, designate those classes or positions, employees in which shall be considered exempt from the rules and regulations of the civil service board, in accordance with the intent and meaning of this section.

§ 84 Examinations.

For the purpose of establishing eligible registers from which positions in the classified service shall be filled, it shall be the duty of the civil service board to conduct competitive examinations open to all persons who lawfully may be appointed to any position within the class for which such examinations are held, and who meet the minimum qualifications requisite to the performance of the duties of such position as established by the civil service board.

Positions in the higher classes shall be filled, as far as is practicable and consistent with the best interests of the service, by promotion following competitive tests of employees in lower classes holding permanent civil service status. The civil service board, shall, by rule, establish regulations for promotional eligibility, except that in the police and fire departments, all higher uniform positions in the classified service shall be filled from eligible registers established as a result of promotional examination only, and no such member shall be eligible for promotion to a higher class until that person has served at least three (3) years in such department and that in subsequent promotions the member must have held the rank from which that person is promoted for at least two (2) years.

For the filling of one vacancy, the appointment shall be made from among the eligible persons whose scores, at the time of certification, represent the three highest whole percentage score ranks on the list. For the purpose of ranking, scores of eligibles on an eligible list shall be rounded to the next highest whole percent and a rank shall consist of one or more eligibles with the same score. However, in the case of an appointment from an eligible list resulting from a promotional examination, the appointment shall be made from the three candidates standing highest on the list. (Adopted November 6, 1990)

§ 85 Veterans' Preference.

(a) Subject to the provisions of Paragraph (b) of this section, in all tests and examinations held by the civil service commission pursuant to the provisions of this Charter, any person who at the time of taking such test or examination has served in the armed forces of the United States in time of war and who received an honorable discharge therefrom or who after such service to the United States in time of war, has continued in such service or who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions, as such persons are defined by state law in effect at that time and who has attained a percentage qualifying such applicant for any position under civil service regulations, shall be allowed an increase of ten points above the credit such applicant has attained in such examination.

(b)(1) Any person who has previously received a veteran's preference on an examination for federal employment, or for employment with any public agency in California, and who, by virtue of the preference was certified and subsequently appointed to a position with the federal government or any public agency in California, shall not be entitled to a preference under this section.

(2) No preference shall be granted under this section to any veteran who was discharged more than ten years prior to the final filing date stated on the examination announcement, or prior to the date on which an eligible list is established if no final filing date is stated on the announcement; provided, however, that veterans who are declared by the United States Veterans Administration to have a service connected disability of 30% or more at the time of taking such test or examination, it otherwise qualified for the preference provided for by subsection (a). shall be entitled to such preference without limitation as to the time during which such preference may be used.

(3) No preference shall be granted under this section to any person who retired from the armed forces at or above the rank of major, or its equivalent.

(4) The preference granted under this section shall not apply to promotions, or to promotional examinations (Adopted November 4, 1980)

§ 86 Record of efficiency.

Success in similar positions in the employ of the city shall be considered in estimating the standing of a candidate and to that end the board shall, wherever feasible, cause to be kept a record of efficiency of all city employees.

§ 87 Discriminations.

No person in the classified service or seeking admission thereto shall be appointed, promoted, demoted or discharged or in any way favored or discriminated against because of political opinions or affiliations or because of race, color or religious belief.

§ 88 Employee development programs.

Notwithstanding any other provision of this Charter, the civil service board may provide for the establishment of programs, including trainee programs, designed to attract and utilize persons with minimal qualifications, but with the potential for development, in order to provide career development opportunities for such persons, including but not limited to members of disadvantaged groups, handicapped persons, and veterans entitled to preference under Section 85 of this article. Such programs may provide for probationary and permanent appointment to the classified service upon the satisfactory completion of the training period prescribed by the civil service board. The civil service board shall provide for the establishment of such programs when requested to do so by the city council.

§ 89 Probations.

Appointment or promotion to office or employment in the classified service shall not be deemed complete until a period of probation has elapsed. The civil service board shall by rule establish a probationary period for each class in the classified service. A probationer may be discharged or reduced at any time within the probationary period and thereupon shall have no right to appeal under Section 92 of this Charter.

§ 90 Right of appeal.

If discharged after the expiration of said period, the employee so discharged may appeal in accordance with the provisions of Section 92 of this Charter.

§ 91 Disciplinary power.

The city manager or other official or board in whom is vested disciplinary or removal power shall be allowed full freedom in his or its action on such matters, it being the intent and spirit of this article to provide a fair and honest approach to municipal employment for every inhabitant or the city, but in no sense to handicap or curtail the responsible administrative officer in securing efficient service.

§ 92 Power and duties of the civil service board.

(a) It shall be the duty of the civil service board to:

(1) Adopt and maintain the classification plan. The classification plan shall consist of classes of positions in the classified service defined by class specifications, including title, a description of duties and responsibilities and a statement of employment standards to be required of applicants for employment in each class. From time to time as it deems necessary, the board may establish additional classes and divide, combine, alter or abolish existing classes. Each position in the classified service shall be allocated by the director of personnel to one or the classes established by the plan; provided, that whenever a new or additional position is authorized by the city manager, the director of personnel shall allocate each proposed position to an appropriate existing class or recommend the creation of new class to the civil service board.

When action is taken by the board to establish additional classes or to divide, combine, alter or abolish existing classes, or upon the reallocation or positions by the director or personnel, the civil service board shall determine the manner in which the incumbents or positions affected shall attain status.

(2) Formulate rules and regulations covering the examination of applicants for positions in the classified service and the promotion of employees in the classified service, including rules for preparation of examination announcement notices, accepting applications, administering examinations, eligibility for promotion, seniority credits, establishing eligible registers and reinstatement lists, certification, appointment, probationary period, and any other matter necessary to the recruitment and selection of employees.

(3) Hear appeals, upon written request from any employee in any city department in the classified service, who may be suspended without pay, demoted, dismissed, or otherwise disciplined by the appointing authority. The board shall define the manner, time, and place by which such appeal shall be heard and the judgment of the board shall be final.

(4) Hear appeals, upon written request, from any employee in any city department in the classified service, with reference to the allocation or reallocation of his position by the director of personnel.

(5) Provide, by rule, for the interpretation and administration of ordinances affecting personnel, when specifically directed to do so by the city council and to provide, by rule, for the regulation of any other matter pertaining to personnel administration not in contradiction with the provisions of this section.

(b) The board, subject to budgetary approval of the city council, may employ or contract for hearing officers to hear appeals of the actions specified in Paragraphs (3) and (4) of Subsection (a) of this section and to prepare recommendations for the board. The board may adopt rules and regulations to implement this subsection.

§ 93 Employment as a result of annexation.

Notwithstanding any other provisions of this Charter, in the event that the service area of the City is increased by reason of a consolidation, merger, incorporation, annexation or contract, the city council may, by resolution, provide that some or all employees or special districts encompassed by the increased service area shall be deemed regular employees of the City of Sacramento, to serve for such limited periods of time as the city council determines appropriate under the circumstances. The city council shall have the power to impose such conditions prior to employment as it deems necessary, including but not limited to, passage by the district employees of a physical examination to be administered by the city. The city council shall also by resolution or ordinance determine the terms and conditions of employment of such persons, including but not limited to probationary period, salary, seniority, retirement status, departmental and classification assignment, benefits, credits for accumulated special district benefits, bargaining unit status, and all other matters related to their employment. (Adopted November 2, 1982)

Article VIII Certain Departmental and Personnel Provisions

§ 95 Organization of fire department.

The fire department shall consist of a chief of the department and such other employees as the city council may from time to time prescribe.

§ 96 Powers and duties of the fire chief.

The fire chief shall have control, management and direction of all members of the fire department in the lawful exercise of the chief's functions with full power to detail any of the members to such public service as the chief may direct. The chief shall recommend to the city manager members of the force for demotion or dismissal and can suspend and prefer charges against any officer or member.

§ 97 Vacancies above the grade of firefighter.

When a vacancy arises in the fire department above the grade of firefighter, the chief of the fire department may, with the approval of the city manager, assign a member of the department from the next lower rank to fill the position until such time as the absent member shall return or the vacancy be filled by appointment. The member so assigned shall, during the member's incumbency receive the salary attached to the position thus temporarily held.

§ 98 Firefighters.

No member of the fire department shall be allowed, without the consent of the city council, to receive any money, gratuity or compensation for any service rendered as a firefighter.

The members of the fire department shall not engage in any other employment, work, profession, business or enterprise that is inconsistent, incompatible, in conflict with, or adversely affects the performance of their duties as firefighters, or that is inimical to the most effective performance of the mission of the Sacramento Fire Department or the best interests of the city.

The city council shall have the exclusive and non-delegable authority and duty to define, interpret and implement the terms of this section by resolution and such definition and interpretation shall be final and conclusive. The process and procedure followed by the city council in so defining, interpreting and implementing this section shall be by unilateral legislative action not subject to and expressly excluded from any meeting and conferring procedure with employee organizational representatives that is or may be provided for under any other law. In the event a court or administrative body of competent jurisdiction renders a final judgment or order invalidating this paragraph or any part thereof then the terms and provisions of this section as herein above provided shall be null and void and this section shall thereupon on the effective date of such final judgement or order and thereafter read as follows:

No member of the fire department shall be allowed, without the consent of the city council, to receive any money, gratuity or compensation for any service rendered as a firefighter. The members of the fire department shall not follow any other profession, calling or business, but shall devote their entire time to the performance of their duties, nor shall they be allowed pay for any period during which they shall absent themselves from public duty, except as in this Charter provided.

§ 99 Organization of police department.

The police department shall consist of a chief or police, a police force and all such other officers, clerks, employees and attaches as the city council may from time to time prescribe.

§ 100 Powers and duties of the chief of police.

The chief of police shall have control, management and direction of all members of the police department in the lawful exercise of the chief's functions with full power to detail any of the members to such public service as the chief may direct. The chief shall recommend to the city manager members of the force for demotion or dismissal and can suspend and prefer charges against any officer or member.

§ 101 Vacancies above the grade of police officer.

When a vacancy arises in the police department above the grade of police officer, the chief of the police department may, with the approval of the city manager, assign a member of the department from the next lower rank to fill the position until such time as the absent member shall return or the vacancy be filled by appointment. The member so assigned shall, during the member's incumbency, receive the salary attached to the position thus temporarily held.

§ 102 Police officers.

It shall be the duty of each member of the police force to be acquainted with the provisions of this Charter, with all ordinances of the city and with all laws of the state defining public offenses and regulating criminal proceedings.

No member of the police force shall be allowed to receive, without the consent of the city council, any money, gratuity or compensation for any service rendered as an officer.

The members of the police force shall not engage in any other employment, work, profession, business or enterprise that is inconsistent, incompatible, in conflict with or adversely affects the performance of their duties as police officers, or that is inimical to the most effective performance of the mission of the Sacramento Police Department or the best interests of the city.

The city council shall have the exclusive and non-delegable authority and duty to define, interpret and implement the terms of this section by resolution and such definition and interpretation shall be final and conclusive. The process and procedure followed by the city council in so defining, interpreting and implementing this section shall be by unilateral legislative action not subject to and expressly excluded from any meeting and conferring procedure with employee organizational representatives that is or may be provided for under other law. In the event a court or administrative body of competent jurisdiction renders a final judgment or order invalidating this paragraph or any part thereof then the terms and provisions of this section as herein above provided shall be null and void and this section shall thereupon on the effective date of such final judgment or order and thereafter read as follows:

No member of the police force shall be allowed to receive, without the consent of the city council, any money, gratuity or compensation for any service rendered as an officer except rewards which have been publicly offered for the apprehension and conviction of criminals. The members of the police force shall not follow any other profession, calling or business, but shall devote their entire time to the performance of their official duties, nor shall they be allowed pay for any period during which they shall absent themselves from public duty, except as in this Charter provided. It shall be the duty of each member of the police force to become acquainted with the provisions of this Charter, with all ordinances of the city and with all laws of the state defining public offenses and regulating criminal proceedings.

§ 103 Salaries of employees.

The annual compensation of the employees of the city shall be fixed by resolution of the city council. All salaries shall be paid not less frequently than semimonthly and shall be in full compensation for all duties and services performed by such employees of the city.

§ 104 Number of employees.

The city council by resolution shall fix the number of employees to be employed, from time to time, in the offices, departments and divisions of the city.

§ 105 Rewards.

The city council may, on notice from the city manager, reward any city employee for conduct which is heroic or meritorious. The form or amount of such reward shall be discretionary with the city council, but shall not exceed in any one instance one month's salary.

§ 106 Vacancies in certain cases.

If any employee of the city shall be convicted of a felony or malfeasance in office or be absent for one month from the city without leave, that office shall immediately become vacant, and the vacancy shall be filled as in this Charter provided.

§ 107 Vacations.

All employees of the City of Sacramento shall be entitled to vacation allowances on the following basis:

(a) During the first calendar year of employment, and after the completion of at least six (6) months of service, employees shall be entitled to a vacation allowance on a pro-rata basis of ten (10) working days per year for the number of months worked prior to the beginning of the first calendar year.

(b) Upon the completion of one calendar year and continuing thereafter through the fifth calendar year of employment, all employees shall be entitled to a vacation allowance of ten (10) working days per year.

(c) Upon the completion of five calendar years and continuing thereafter through the fifteenth calendar year of employment, all employees shall be entitled to a vacation allowance of fifteen (15) working days per year.

(d) Upon the completion of fifteen calendar years of employment and continuing thereafter, all employees shall be entitled to a vacation allowance of twenty (20) working days per year; provided further, that such employees so qualified to receive twenty (20) working days of yearly vacation allowance shall have the option, to be exercised not later than the first day of December in each year, to receive pro-rata payment for five (5) days of such vacation in lieu of using such five (5) days for vacation purposes.

For the purpose of this section, the first calendar year shall be considered to be the period between January 1 and December 31 next following the employee's original date of appointment. For the purpose of computing vacation time, each employee shall be considered to work not more than five (5) days each week. Vacation time shall not be earned when an employee is absent from duty without pay, except that there shall be no reduction in the yearly vacation allowance if such time absent from duty without pay does not exceed ten (10) days per year.

Upon termination of employment for any reason, after completion of at least six (6) months of service, an employee entitled to receive vacation allowance shall be paid in a lump sum for all unused accumulated vacation time. All vacation shall be taken at such time as the executive head of the department in which such officer or employee may be serving shall direct.

Any city employee in the Reserve Corps, Naval Reserve, Marine Corps, or National Guard of the United States Army and Navy, when called for the annual period of intensive training, shall be permitted to participate therein and shall not suffer loss of pay through such absence nor shall such period devoted to said training be construed as the annual vacation of such employee but said employee shall have in addition thereto, the usual vacation period or pay allotted to city employees.

The civil service board shall by rule define and interpret the terms of this section and such definition and interpretation shall be conclusive; shall by rule provide for the regulation and accumulation of vacations; shall by rule define those categories of temporary employment in which employees shall not be entitled to earn vacation allowance; and shall by rule provide for the method of computation of accumulated or unused vacation allowance for employees leaving city service.

§ 108 Longevity pay.

All regular full-time employees of the City of Sacramento, meeting such requirements as may be established by the city council to carry out the provisions of this section, shall be entitled to receive longevity pay on the following basis:

(a) Upon completion of twenty (20) years of service, an employee shall receive yearly thereafter a lump sum of \$100 in addition to said employee's regular compensation; said amount to be paid during the month of July of each year next succeeding the completion of said twenty (20) years of service; and

(b) Upon completion of twenty-five (25) years of service, an employee shall receive yearly thereafter a lump sum of \$200 in addition to said employee's regular compensation and in addition to the longevity allowance described in paragraph (a) preceding, said amount to be paid during the month of July of each year next succeeding the completion of said twenty-five (25) years of service.

No deductions for retirement system contributions shall be made from any amount paid to an employee for longevity, and such longevity pay shall be excluded from an employee's earnings when computing retirement allowances.

The city council shall, by ordinance, adopt rules and regulations for employee eligibility and administration of the provisions of this section.

§ 109 Employee defined.

As used in this article, the term “employee” shall include any officer of the city other than the mayor, members of the council and appointive members of city boards and commissions.

Article IX Fiscal Administration

§ 110 Fiscal year.

The fiscal year for the city shall be determined by ordinance enacted by the city council.

§ 111 Budget.

Each department, office and agency of the city shall provide in the form and at the time directed by the city manager all information required by the city manager to develop a budget conforming to modern budget practices and procedures as well as specific information which may be prescribed by the council. Not later than 60 days prior to the commencement of each fiscal year or such greater period as the council may prescribe, the city manager shall prepare and present to the city council, in such form and manner as it may prescribe, budget recommendations for the next succeeding fiscal year. Following public budget hearing, the city council shall adopt by resolution a budget of proposed expenditures and appropriations necessary therefore for the ensuing year, failing which the appropriations for current operations of the last fiscal year shall be deemed effective until the new budget and appropriation measures are adopted. The budget may be amended during the fiscal year in accordance with the procedure established by the council.

§ 112 Levy of property tax.

Not later than the date set by state law for this purpose, the city council shall by resolution fix the rate of property tax to be levied and levy the tax upon all taxable property in the city. Such rate shall be adequate to meet all obligations of the city for the fiscal year, taking into account estimated revenue from all other sources. Should the city council fail to fix the rate and levy taxes within the time prescribed the rate for the last preceding fiscal year shall thereupon be automatically effective, and a tax at such rate shall be levied upon all taxable property in the city for the current fiscal year.

§ 113 Cash pool operations.

Municipal obligations may be financed by cash pool operations and utilization of a warrant or check system. Except for those funds restricted by bond indentures, state or federal law, other sections of this Charter or specific conditions of the legislation creating them, temporary transfers between funds are permitted.

§ 114 Funds.

The city council shall create, reduce or eliminate such funds as are required for proper accounting and fiscal management, or required as a condition of receiving funds from any other government, or to fulfill any bonded or other contractual obligation of the city.

§ 115 Accounting system.

The city manager shall establish and maintain a system of financial procedures, accounts and controls for the city government and each of its departments, offices and agencies which shall conform to generally accepted principles of accounting which shall be adequate to account for all monies on hand and for all income and expenditures in such detail as will provide complete and informative data concerning the financial affairs of the city and as will be readily susceptible to audit and review.

§ 116 Receipts and expenditures.

All monies received by the city shall be deposited in the city treasury, and no monies shall be disbursed from the treasury without the approval of the city manager or of another officer duly authorized by him. No expenditure of city funds shall be made except for the purposes and in the manner specified by an appropriation of the city council; nor shall any disbursement be made unless obligations are properly supported by accounting evidence, sufficient money is available in the city treasury and there is an adequate unencumbered appropriation balance in the proper account classification.

§ 117 Annual audit.

The city manager upon approval of the city council shall engage each year an independent certified public accountant who shall examine and report to the council on the annual financial statement of the city. The accountant shall have free access to the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds, and of such other officers, employees, or departments as the city council may direct. The accountant shall submit an audit as soon as practicable after the closing of the books for the fiscal year for which he is engaged. Copies of such audit reports shall be filed with the city council, and shall be available for public inspection and review.

§ 118 Official bonds.

The city council shall determine by ordinance which officers and employees shall be subject to group or individual bonds to insure the faithful performance of official duties, shall fix the amount of such bonds and shall provide payment of the premium of such bonds by the city.

§ 119 Revenue bonds.

The city council may issue revenue bonds for any lawful purpose in such manner and upon such terms and conditions as it may fix and establish by the provisions of a procedural ordinance.

Article X Elections
§ 150 Election code.

The city council shall adopt an election code ordinance, providing an adequate and complete procedure to govern city elections, including the nomination of candidates for all elective offices. All elections provided for by this Charter for choice of officers, shall be conducted in the manner prescribed by said election code ordinance or as said code is hereafter amended.

§ 151 Nominations.

Nominations of candidates for all elective offices shall be made in the manner prescribed by the election code ordinance.

§ 152 Elections.

(a) Commencing with the year 1992, the primary city election shall be held on the same date in each election year as the California statewide direct primary election, and the general city election shall be held on the same date as the California statewide general election for that year. All other elections shall be known as special elections.

To implement this provision, primary and general elections for council districts one, three, five and seven shall be held in the year 1994, and the primary and general elections for council districts two, four, six and eight, and for the office of mayor, shall be held in the year 1992.

Notwithstanding any other provision of this charter, the term of office of each person who is, on the effective date of this amendment, an incumbent of the council seat for district two,

four, six or eight, or of the office of Mayor, and whose term of office would otherwise normally expire in 1991, shall be extended until a successor is elected in 1992 and has been seated.

Notwithstanding any other provision of this charter, the term of office of each person who is, on the effective date of this amendment, an incumbent of the council seat for district one, three, five or seven, and whose term of office would otherwise normally expire in 1993, shall be extended until a successor is elected in 1994 and has been seated. (Adopted October 10, 1989)

(b) At the primary election, there shall be chosen by the voters of each council district with a council member whose term expires at the end of or during the same year as the election, two candidates for the office of council member from that district. When the term of office of mayor expires at the end of or during the same year as the election, there shall be chosen by the voters of the entire city at the primary election two candidates to fill the office of mayor. Notwithstanding any other provision in this Charter to the contrary, in the event that any candidate for nomination to the office of council member or the mayor shall receive a majority of the votes cast for all the candidates for nomination for such seat or office at such primary election, the candidate so receiving such majority of all votes shall be deemed to be, and declared by the city council to be, elected to such office.

(c) At the general election, the voters of each council district in which a primary election was held shall select from among the two candidates chosen at the primary election in each district one candidate to succeed to the office of the council member whose term expires at the end of or during the same year as the election.

§ 153 Taking office.

All elected officials shall take office the fourth Tuesday following the first Monday in the month of November in the year of their election, and their terms of office shall commence on said date. (Adopted November 4, 1980)

§ 154 Special elections to fill vacant offices.

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

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

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

§ 155 Application of general law.

Unless otherwise provided for by ordinances hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code and Government Code of the State of California, as the same now exist or may be hereafter amended, for the holding of elections in cities, insofar as the same are not in conflict with this Charter.

Article XI Initiative, Referendum, Recall **§ 160 General.**

The powers of the initiative, referendum and the recall of elected municipal officers are hereby reserved to the electors of the city. The provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, governing the initiative and referendum and the recall of municipal officers in cities shall be applicable insofar as the same are not in conflict with this Charter; provided, however, that the number of signatures which shall be required for the exercise of the power of initiative shall be as provided in Section 161.

§ 161 Initiative.

To initiate proceedings for the exercise of the power of the initiative either of the following provisions shall apply as is applicable:

(a) If the petition is signed by duly qualified electors of the city equal in number to at least fifteen percent (15%) of the registered voters of the city, and contains a request that the proposed ordinance be submitted immediately to a vote of the people at a special election, the city council shall either adopt said ordinance within fifteen (15) days after it is presented to the city council by the city clerk, or immediately call a special election at which the ordinance, without alteration, shall be submitted to a vote of the voters of the city.

(b) If the petition is signed by duly qualified electors of the city equal in number to at least ten percent (10%) of the registered voters of the city, and the ordinance petitioned for is not required by Subsection (a) to be, or for any reason is not, submitted to the voters at a special election, and is not adopted without alteration by the city council, then the proposed ordinance, without alteration, shall be submitted by the city council to the voters at the next primary or general municipal election at which said proposition may appear regularly on the ballot or at the next statewide primary or general election into which a special city election may be lawfully consolidated, whichever is the first to occur.

(c) The total number of registered voters of the city shall be determined according to the county clerk's last official report of registration to the Secretary of State.

§ 162 Referendum.

All ordinances which may be passed by the city council shall be subject to referendum, whenever the use of the initiative or referendum is permitted by state law applicable to cities.

§ 163 Recall.

The holder of any elective office may be recalled, in the manner provided by state law applicable to cities, by the electors after such person has held office six months.

§ 164 Elections code.

The city council may include procedural provisions in the elections code ordinance consistent with this article.

**Article XII Board of Education.
§ 170 Organization.**

The government of the Sacramento City Unified School District shall be vested in a board of education consisting of seven members who shall be nominated and elected from the district at large. Except as otherwise provided herein, the board of education shall be elected in accordance with, shall possess the powers prescribed by and shall be subject to the limitations contained in Article IX of this Charter, as said article read on June 7, 1976.

§ 171 Elections; compensation; vacancies; resident requirements; terms of office.

(a) The members of the board of education shall be elected for a term of four years, three to be elected at a regular election and four to be elected at the next regular election. Each member of the board shall receive the sum of \$20.00 per meeting attended not to exceed the sum of \$100.00 per month.

(b) Vacancies in the board of education from whatever cause shall be filled by the remaining members of the board of education for the remainder of the unexpired term. If the remaining members fail to agree, the vacancy shall be filled as provided by general law.

(c) Members of the board shall be residents of the Sacramento City Unified School District.

§ 172 Qualification.

Candidates for election to the board of education shall be qualified electors of the district at the time of the filing of their nomination papers.

§ 173 Election by general laws.

On or after January 1, 1980, all other provisions of this article shall have no force and effect and the election, term of office, qualification and compensation of the board of education of the Sacramento City Unified School District shall be governed by the Education Code and general laws of the state of California.

Article XIII Franchises, Licenses, Permits, Leases and Sales

§ 180 Franchises, licenses, permits.

The city council shall have authority to grant or issue franchises, licenses and permits for the transaction of business of the providing of services, or for the use of public streets or other public places. The city council shall provide by ordinance uniform procedures for the granting or issuing thereof, the taxes, charges, fees or other compensation to be paid therefore and the penalties for the violation thereof.

§ 181 Leases, sales.

The city council shall have authority to lease or sell real and personal property owned or controlled by the city in accordance with such uniform procedure as it shall adopt by ordinance, provided, however, that no lease of real property shall be for a term in excess of 55 years or for such longer term as may be allowed by general state law.

§ 182 Right to acquire.

No franchise grant shall be construed to impair or affect the right of the city, acting pursuant to law, to acquire the property of the grantee either by purchase or through the exercise of the right of eminent domain.

Article XIV Public Contracts and Supplies

§ 200 Ordinance governing purchasing and contracts—Duty of chief administrative officer or representative.

The city manager, or his designated representatives, shall purchase, or contract for the purchase of, goods, equipment, materials, supplies, services, or for the undertaking of any public project in the manner prescribed by ordinance enacted by the city council, except as otherwise provided herein.

§ 201 Same—Requirements of competitive bidding for public projects.

Any ordinance adopted to implement Section 200 of this article shall provide, in the case of a contract for the undertaking of any public project, where the amount therefor equals or exceeds the amount set by said ordinance, that said contract will be open to competitive bidding and that the procedures for such bidding shall include the public advertisement thereof and an award to the lowest responsible bidder.

§ 202 Same—Requirements of competitive bidding for supplies, etc.

Any ordinance adopted to implement Section 200 of this article shall provide in the case of any purchase or contract for goods, equipment, materials and supplies, except materials and supplies as defined in Section 204 of this article, where the amount therefore equals or exceeds the amount set by said ordinance, that said purchase or contract will be open to competitive bidding, and that the procedures for such bidding shall include the public advertisement thereof and an award to the lowest responsible bidder.

§ 203 Same—Rights of city council.

Notwithstanding any provision of this article to the contrary, the council may do any of the following: reject any and all bids received for any purchase or contract; readvertise for new bids after such rejection; provide for the suspension of competitive bidding for any contract or purchase upon a finding by a two-thirds (2/3) vote that such action is in the best interests of the city; provided that any work required by the city may be performed by city employees.

§ 204 Same—Public project defined.

As used in this article, public project means:

(a) A project for the erection, improvement, and remodeling of public buildings and works.

(b) Work in or about streams, bays, water fronts, embankments, or other work for protection against overflow.

(c) Street, sewer or water work except maintenance or repair.

(d) Furnishing supplies or materials for any such project.

§ 205 Same—Competitive bidding under state law.

The provisions of this article shall not apply to any contract entered into pursuant to or under any special assessment proceeding wherein competitive bidding proceedings are specified by laws of the State of California.

Article XV Boards, Commissions and Agencies

§ 230 Boards and Commissions—Creation and appointments.

The city council shall provide by ordinance for such boards and commissions as may be required by law or deemed desirable, shall prescribe their functions, and may prescribe qualifications and conditions of service on such boards and commissions, including compensation and reimbursement for expenses, terms or office, method of appointment and removal. Except as otherwise expressly provided in this Charter, the mayor shall appoint all members of boards and commissions, subject to the concurrence of a majority of the city council.

§ 231 Functions of boards and commissions.

Except as otherwise provided in this Charter, the authority and functions of boards and commissions shall be specified by ordinance or resolution, consistent with applicable federal and state law.

§ 232 Removal of members of boards and commissions.

For good cause, neglect of duty or misconduct in office, a member of a city board or commission who has been appointed for a specified term by the city council or by the mayor with the approval of the city council, may be removed from office during such term by the city council. Such member may be removed only after such member has been given a copy of the charges against such member at least ten days prior to a hearing to be held on the charges. At the hearing the member shall have an opportunity to be heard in person or by counsel.

Article XVI Provisions Miscellaneous

§ 250 Continuing provisions of former charter.

(a) The city council shall adopt ordinances to continue in effect, without substantial modification, the following provisions of the Charter of the City of Sacramento as the same existed on the date immediately preceding the adoption of this article:

Section 264. E. B. Crocker Art Gallery.

Section 265. Ann Land Memorial Fund.

Section 266. William Land Park Fund.

(b) Ordinances required to be adopted under this section shall be adopted as soon as possible on or immediately following the effective date of this article.

(c) Ordinances required to be adopted under this section may be amended from time to time to conform same to any order or judgment of a court of competent jurisdiction.

(d) Except as otherwise provided herein, ordinances adopted under this section shall continue in full force and effect unless repealed or amended by ordinance submitted to and approved by the electorate of the city.

§ 251 Conflicts of interest.

The city council by ordinance shall adopt regulations as the council, in its sole discretion determines to be appropriate, governing conflicts of interest applicable to city officers and employees, members of boards and commissions, and elected officials and candidates for elective office of the city. The council shall not be required to negotiate or meet and confer with officers, employees or employee organizations regarding the adoption of such regulations.

§ 252 Severability.

If any provision of this Charter, or the application thereof to any person or circumstances is held invalid, the remainder of this Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

§ 253 Injury in performance of duty.

Except as hereinafter provided, any city employee who is disabled, whether temporarily or permanently, by injury or illness arising out of and in the course of his duties, shall be entitled to such medical, surgical, and hospital treatment, including nursing, medicines and medical and surgical supplies and apparatus as may be required on account of such injury or illness, the same to be provided by the city. Such employee shall become entitled during the period of such temporary disability, regardless of his period of service with the city, to leave of absence while so disabled without loss of salary, in lieu of temporary disability payments, if any, which would be payable under Division 4 of the Labor Code of the State of California, for the period of such disability, but not exceeding one year, or until such earlier date as he is retired upon a retirement allowance. Compensation and benefits payable to or on behalf of the employee under this section, shall be reduced, in the manner fixed by the city council, by the amount of any compensation and benefits payable to or on behalf of said employee under Division 4 of the Labor Code of the State of California. Compensation and benefits paid under this section shall be considered as in lieu of compensation and benefits payable to or on account of said employee under said state law and shall be in satisfaction and discharge of the obligation of the city to pay such compensation and benefits under such state law. The benefits provided in this section shall be limited to full-time officers and employees of the city and, except as provided herein, shall not be extended to persons employed by the city on a seasonal limited-term, part-time or substitute basis, or elective officers or appointive members of city boards and commissions. The city council, by ordinance enacted by two-thirds of all members thereof, may permit employees of the city, other than full-time officers and employees of the city, to receive all or a portion of the compensation and benefits provided to full-time officers and employees by the provisions of this section.

§ 254 Effective date.

All amendments to this Charter contained within the ballot proposition which approved the enactment of this article shall take effect on January 1, 1978, except as otherwise expressly provided in this Charter. The term "effective date" as used in this article shall mean January 1,

1978, and the term “this Charter” as used in this article shall mean the City Charter, as amended on the effective date.

Article XVII Sacramento City Employees’ Retirement System
§ 371 Effective date.

At the time these amendments to the Sacramento City Charter are submitted to the electors of the city, they are intended to take effect on January 13, 1990. In the event that such amendments are adopted by the electors of the city, but for any reason are not filed with the Secretary of State on or prior to January 13, 1990, then in such event, they shall be effective on the first day of the month next following the date they are filed with the Secretary of State. (Amended June 6, 1989)

§ 372 Transfer of safety members to PERS; continuation of PERS agreements.

The city council may enter into a contract with the Board of Administration of the Public Employees’ Retirement System (PERS) for participation in that system of the city and employees who are, as of the effective date of any such contract, safety members of the Sacramento City Employees’ Retirement System (SCERS). Any such contract (hereafter “new contract”) shall be subject to the following conditions:

(a) The new contract shall cover all active safety employees who are members of SCERS.

(b) The existing contract with PERS for participation in that system or the city and employees whose date of city employment is on or after January 29, 1977 shall continue in effect, as amended by the city council from time to time.

(c) The new contract shall specify that active safety employees shall be transferred to PERS and become PERS local safety members.

(d) The benefits prescribed in the new contract shall, for safety employees, be as follows:

(1) 2% at age 50 with 3% cost-of-living allowance for transferred active safety SCERS employees.

(2) 2.5% at age 55 with 2% cost-of-living allowance for employees hired after the effective date of the new contract, with the statutory employee contribution rate. If the statutory employee contribution rate is other than 9%, the actual employee contribution rate shall be 9% of compensation.

(e) The procedures specified in Government Code Sections 20457 and 20458, as those sections may be amended or renumbered from time to time, relating to the holding of an election among the safety members of SCERS, shall be followed.

(f) The new contract shall specify that an allocable proportion of the assets and funds of SCERS shall be transferred to PERS pursuant to Government Code Sections 20522 and 20523, or some comparable procedure approved by the city council.

(g) The city council, if it enters into such contract, is authorized to take any action on behalf of the city required or permitted under the Public Employees' Retirement Law.

(h) The new contract shall provide that active safety employees who are SCERS members and who are transferred to PERS shall pay to PERS the same contribution rates as they were paying to SCERS, pursuant to Government Code Section 20605.5. In the event that the procedures specified in this paragraph require modification, the city council shall have the authority to adopt such modification by ordinance prior to approving a new contract with PERS.

(i) Any application for retirement or death benefit which is pending as of the effective date of these amendments to the Sacramento City Charter shall be deemed to be an application under PERS. For purposes of this subsection (1) an application is “pending” when:

(1) it is pending before the retirement system manager; or

(2) an appeal relating to the application is pending before the Retirement Hearing Commission; or

(3) the Retirement Hearing Commission has determined the appeal and the time for seeking judicial review has not expired; or

(4) the Retirement Hearing Commission has determined the appeal and judicial review has been timely sought by any party to the appeal, and no final judgment has been entered in the Superior Court; or

(5) a final judgment has been entered in the Superior Court and the appellate period has not expired, or timely appellate review has been sought and no final appellate judgment has been issued.

(Amended June 6, 1989)

§ 373 Modifications of system or PERS contract.

The city council shall secure an actuarial report of the probable cost and effect to the system, its members and the city, of any proposed change in the contribution rates or benefits under the system before enacting an ordinance or resolution relating to changes in the contribution rates or benefits under the system or before voting to submit to the electorate any proposed Charter amendment or ordinance providing for such changes. Prior to enacting any ordinance pursuant to former (1989) Charter section 400, defining or redefining the term “compensation,” the city council shall secure an actuarial report of the probable cost and effect to the system, its members and the city resulting from the enactment of any such ordinance.

The city council may from time to time amend any contract with PERS. If it enters into any contract amendment, the city council is authorized to take any action on behalf of the city required or permitted under the Public Employees' Retirement Law. Prior to entering into any such amendment relating to contribution rates or benefits, the city council shall secure an actuarial report of the probable cost and effect to the city and the affected members of such amendment. (Amended June 6, 1989)

§ 374 Duty to continue existing system.

Subject to section 372, the council shall provide, by ordinance or ordinances, for the continuance, as part of the retirement system, of all employee retirement plans in operation upon the effective date of this article. Except as otherwise specifically provided in this article, no such plan, or any provision thereof, shall be modified or amended except through the adoption of an ordinance approved by a majority of the voters voting upon such proposition at a general municipal election or a special municipal election called for such purpose. Allowances existing in favor of or on account of retired employees of the city at the time of the adoption of this article shall be continued in force in accordance with the provisions under which said allowances were made. Except as provided in section 379, relating to cost-of-living adjustments, nothing in this article shall be construed as changing the status of members of such existing plans or the benefits thereunder. Notwithstanding any other provision in this article, the council shall provide by ordinance for continuation of the benefits of transferred members (as defined in former (1976) Charter section 359 and 360) pursuant to former (1976) Charter sections 359 through 366; provided, however, that any such transferred member shall have the right to elect in the manner provided by ordinance adopted by the city council, to have his or her rate of contribution, as required by former (1976) Charter section 365, based upon the rate of contribution for members of the plan established by former (1989) Charter section 399.

The council shall enact an ordinance or ordinances prescribing the conditions by which any member of the system retired for service or disability under the provisions of former (1976) Charter sections 173, 175.13 or 302 may make an election to receive a reduced retirement allowance during the member's lifetime in order that the member's surviving spouse may receive a continuation allowance. The provisions of said ordinance or ordinances shall substantially conform to the provisions of former (1989) Charter section 435(a), provided that no continuation allowance shall be payable unless one would otherwise be payable under the provisions of the Charter which apply to the member and provided further that the continuation allowance under former (1976) Charter section 173 shall be two-thirds or the member's reduced allowance. (Amended June 6 1989)

§ 375 Actuarial assumption for “equal shares retirement plan”.

The ordinance or ordinances enacted by the council under section 374, providing for the continuance of the “equal shares retirement plan” created by former (1976) Charter section 302, shall provide that the board shall direct the actuary in making the actuarial investigations and evaluations required by former (1976) Charter section 300 for purposes of determining members’ contribution rates to assume in addition to all other actuarial assumptions:

(a) That all persons who enter the employ of the city on or after the effective date of this article and who would have been eligible for membership in the “equal shares retirement plan” under former (1976) Charter section 302 and ordinances enacted thereunder before the effective date of this article, are members of the “equal shares retirement plan” if they would have remained in the employ of the city; and

(b) That no person who was a member of the “equal shares retirement plan” on the effective date of this article made the election provided by former (1989) Charter section 401.

(Amended June 6, 1989)

§ 376 City contributions for liability under prior plans.

The adoption of this article shall not alter or modify the liability of the city, the retirement system, or its members, for retirement plans which were in existence upon the effective date of this article, nor shall it alter or modify the method of funding such plans as prescribed in former (1976) Charter sections 167 to 175.29 and 290 to 367, except as provided in former (1989) Charter sections 374, 375 and 379. (Amended June 6, 1989)

§ 377 Validation of former Charter sections granting increased pensions to retired persons.

All provisions of former (1976) Charter sections 173.2, 173.3, 173.4 and 173.5 granting increased retirement allowances to or on account of retired members of the Sacramento City

Employees' Retirement System shall be continued as an ordinance of the city and shall continue in effect until otherwise repealed by subsequent amendment of this Charter, The provisions of former (1976) Charter section 175.29 shall be continued in effect as an ordinance of the city, but only insofar as necessary to continue in effect cost-of-living adjustments and the funding or such adjustments which have been made under said section and were in effect prior to July 1, 1970. (Amended June 6, 1989)

§ 378 City employees transferred to Sacramento County.

The city council shall enact an ordinance or ordinances prescribing the conditions according to which any and all employees of the city, who are members of the Sacramento City Employees' Retirement System and who, on or after January 1, 1963, are transferred to and become employees of Sacramento County and members of the Sacramento County Employees' Retirement System, as part of any consolidation of city functions with, or transfer of city functions to, Sacramento County, may retain their membership in the Sacramento City Employees' Retirement System. The provisions of said ordinance shall substantially conform to the provisions of former (1976) Charter section 175.27 with such modifications as are necessary to make the provisions of said section applicable to the transferred employees. This section shall not apply to any employee of the city who becomes a member of this system after the effective date of any reciprocity agreement entered into pursuant to former (1976) Charter section 367. (Amended June 6, 1989)

§ 379 Cost-of-living adjustment.

The city council shall enact an ordinance or ordinances prescribing the conditions according to which, as of July 1 of each year, every monthly allowance payable to or on account of a member of this system whose retirement or death as a member of this system occurred prior to July 1 of the preceding year shall be increased or decreased by a percentage of the allowance then being received. Such percentage shall approximate, to the nearest one-tenth of one percent, the percentage of annual increase or decrease, if any, in the cost-of living during the whole of the preceding calendar year by reference to the current U.S. Department of Labor, Bureau of Labor Statistics' Consumer Price Index for the San Francisco-Oakland area (or the Sacramento area, in the event the Index is established for the Sacramento area), for the whole of the preceding calendar year; provided that such increase or decrease shall not exceed three percent of any allowance in any year, regardless of the percentage of change in cost-of-living; and provided further that no allowance shall be reduced below the amount payable at death or retirement.

In addition to the increase provided in the preceding paragraph, the city council shall enact an ordinance or ordinances prescribing the conditions according to which, as of July 1 of each year, every monthly allowance payable to or on account of a member of this system whose retirement or death as a member of this system occurred on or after July 1 of the preceding year shall be increased or decreased by a percentage of the allowance then being received. For each whole month of the preceding fiscal year during which a member was retired or for each whole month of the preceding fiscal year after the member's death, such percentage shall approximate one-twelfth of the percentage of annual increase or decrease (to the nearest one-tenth of one percent), if any, in the cost-of-living during the whole of the preceding calendar year by reference to the current U.S. Department of Labor, Bureau of Labor Statistics' Consumer Price Index for the San Francisco-Oakland area (or the Sacramento area, in the event the Index is established for the Sacramento area), for the whole of the preceding calendar year; provided that such increase or decrease shall not exceed three percent of any allowance in any year, regardless of the percentage of change in cost-of-living; and provided further that no allowance shall be reduced below the amount payable at death or retirement. The provisions of this paragraph shall apply only to members whose retirement or death occurred on or after July 2, 1979.

The amount of any monthly allowance payable to a survivor or beneficiary upon death of a retired person shall be the amount which would be payable as of the date of death had payment of such allowance begun on the date of retirement, and shall thereafter be adjusted in accordance with this section.

The amount of any cost-of-living increase or decrease in any year which is in excess or the maximum annual allowance adjustment of three percent provided in this section shall be accumulated from year-to-year and included in the computation of increases or decreases in succeeding years. The provisions of this paragraph shall be applied to the allowance of individual beneficiaries by classes based upon the fiscal year in which the member retired or died, so that each allowance shall have applied to it only such increase or decrease as shall have accumulated during or after the fiscal year in which the member retired or died. No allowance shall be reduced by operation of this section below the amount payable at the time of retirement.

Increases in allowances payable pursuant to this section shall be funded by contributions of the members subject to this section and contributions of the city. The individual member's contribution shall be at the rate of 6.7% of his or her contributions (excluding additional contributions under former (1989) Charter section 404). The city's contribution shall be determined by the board in accordance with its funding policy in former (1989) Charter section 385 at a rate required to fund the cost of increases under this section and former (1976) Charter section 354 not provided by member contributions. The board shall provide for transfer to members' accounts under this section of the portion of accumulated contributions under former

(1976) Charter section 354 which were made by members thereunder becoming subject to this section.

The city council shall provide by ordinance for the continuation of benefits provided by former (1976) Charter section 354 for members of this system who have elected to receive the benefits provided by former (1976) Charter section 354. The provisions of said ordinance shall substantially conform to the provisions of former (1976) Charter section 175.29 and shall include the provisions of the second paragraph of this section; provided, however, that in fixing the rates for member contributions the board shall assume that all persons who are members of this system or are members of PERS and are in the employ of the city would continue to make contributions and receive benefits under former (1976) Charter section 354. (Amended June 6, 1989)

§ 380 General definitions.

The following words and phrases as used in this article and ordinances enacted thereunder, unless a different meaning is plainly required by the context, shall mean:

“Board” shall mean the Administration, Investment and Fiscal Management Board as referred to in section 381 of this Charter.

“Charter” shall mean the Charter of the City of Sacramento.

“Commission” shall mean the Retirement Hearing Commission as referred to in section 388 of this Charter.

“Council” or “city council” shall mean the council of the City of Sacramento.

“Former (1976) Charter section” shall mean a section of this Charter as said section read on November 1, 1976 which was the date immediately preceding the date on which said section

was repealed and shall further mean and refer to any section which was repealed at any earlier date, as such section read on the date immediately preceding its repeal.

“Former (1989) Charter section” shall mean a section of this Charter as said section read on June 5, 1989, which was the date immediately preceding the date on which said section was repealed.

“Member” shall mean any person who is a member of the retirement system.

“Miscellaneous member” or “miscellaneous officer or employee” shall mean any officer or employee who is a member of the retirement system and is not a safety member as defined in this section.

“Retirement system” or “system” shall mean Sacramento City Employees’ Retirement System referred to in sections 372 and 374.

“Safety member” shall mean a member whose employment is, or was, as an officer or employee of the police or the fire departments of the city, whose principal duties consist of either active law enforcement or full-time firefighting and fire prevention, respectively. “Safety member” does not include those persons employed in duties of clerical, communication, identification, repair, or other nature even though such persons may be subject to occasional call, or are occasionally called upon to perform duties within the scope of active law enforcement or full-time firefighting and fire prevention.

“Surviving spouse” shall mean the widow of a male member or the widower of a female member.

Words used in the masculine gender shall include the feminine and neuter genders and the singular shall include the plural and the plural the singular. (Amended June 6, 1989)

§ 381 Administration, Investment and Fiscal Management Board.

The retirement system shall be managed by the Administration, Investment and Fiscal Management Board which shall consist of the following persons:

- (a) The city manager or designated representative;
- (b) The city finance director, or designated representative;
- (c) The city treasurer, or designated representative;
- (d) A resident of the city not connected with the government thereof, appointed by the city council, who is qualified by training and experience in the management and investment of funds; and
- (e) A resident of the city not connected with the government thereof, appointed by the city council.

A majority of members of the board shall constitute a quorum. Action by the board shall require the affirmative vote of three members, except that a lesser number may adjourn from time to time.

The two incumbent board members holding the seats described in subparagraphs (d) and (e) shall continue to serve until the expiration of the term for which they were initially appointed, or until a successor is appointed. Thereafter, such members shall be appointed for a term of three years, or until a successor is appointed. (Amended June 6, 1989)

§ 382 General powers.

Subject to the provisions of sections 388 and 391, the board shall have full authority under the Charter and such general ordinances as may be lawfully adopted by the city council to maintain and manage retirement plans of this system, including but not limited to the adoption of investment standards, the fixing of contribution rates, the administration and investment of funds, the selection of investment advisors, the crediting of interest, any action required of it by the Charter and any action relating to the fiscal management of the system except those matters directly pertaining to claims for benefits, and claims for refunds under former (1989) Charter section 436, filed with the retirement system manager.

All references to the “retirement board” or “board” in former (1976) Charter sections 167 to 175.29, inclusive (and ordinances enacted to maintain and implement the retirement plans created by said sections) and former (1976) Charter sections 290 to 367 inclusive (and ordinances enacted to maintain and implement the retirement plans created by said sections) shall mean the Administration, Investment and Fiscal Management Board; provided, however, nothing herein shall divest the Retirement Hearing Commission of the appellate powers granted to it by section 388 of this Charter; and when said commission has jurisdiction by virtue of an appeal having been lawfully taken to the commission, all references to the “retirement board” or “board” in such former Charter sections and ordinances shall mean the Retirement Hearing Commission. It is further provided that nothing herein shall divest the retirement system manager of the powers granted to him or her by section 391 of this Charter; and when said manager has jurisdiction by reason of a claim for benefits having been lawfully filed with him or her, all references to the “retirement board” or “board” in such former (1976) Charter sections and ordinances shall mean the retirement system manager.

The board may adopt rules and regulations consistent with this article to implement and carry out its provisions. (Amended June 6, 1989)

§ 383 Administration and investment of funds.

The board shall have exclusive control of the administration of such fund or funds as may come into the possession of the system, provided that all investments shall be investments permissible by law for investment of trust funds (as provided in section 16040 of the California Probate Code) and shall conform to general investment standards approved by the city council. The board shall adopt general investment standards which the city council shall either approve or disapprove. The board shall employ and obtain advice and services from professional financial advisors, expert in their respective fields, such as investment counsel, trust companies or trust

departments of banks, in regard to the management and investment of the funds in the system. Nothing contained in this article shall be construed to prevent the board from administering, managing and investing the funds of the system as a single fund. (Amended June 6, 1989)

§ 384 Actuarial investigation.

The board shall use the services of a consulting actuary to advise it on matters relating to funding and administration of the system and to make actuarial valuations.

On or before January 1 of every third year, in accordance with the board's schedule in effect on the effective date of this article as amended, the board shall establish contribution rates for the next succeeding three-year period. Said contribution rates shall be those recommended by the actuary for the system in the actuarial report accepted by the board (except where the board rejects a report) as hereinafter set forth.

The actuary for the system either shall be an enrolled actuary under the Employee Retirement Income Security Act of 1974 ("ERISA") or any succeeding law and a member of the American Academy of Actuaries or shall meet such experience and other requirements as are approximately equivalent to those applicable to an enrolled actuary under ERISA and to a member of the American Academy of Actuaries.

The actuary for the system shall carry out such valuations of the costs of the system as are required to estimate the contribution rates required to fund the system. Such valuation shall be made not less frequently than every three years. The actuary shall present to the board a valuation report covering the findings of each such valuation, which report shall be accepted by the board or rejected as hereinafter provided.

The board may reject a valuation report of the actuary of the system in its sole discretion. In the event that the board should reject a valuation report of the actuary for the system, the board shall forthwith appoint a new actuary for the system. If the new actuary for the system shall be unable to complete his or her report by the date when revised contribution rates are required to become effective or if the board should reject the new actuary's report, then the rejected valuation report by the former actuary for the system shall determine the contribution rates until the board subsequently accepts a valuation report from a new actuary for the system.

The board may determine that the contribution rates adopted pursuant to the new actuary's report shall be retroactive to the date when revised contribution rates were required to become effective.

No actuarial method or assumption to be used in any actuarial study of the system shall be adopted by the board unless the actuary retained by the board recommends such method or assumption. No method shall be used in any actuarial valuation of the system unless such method is a widely used, sound, and well-recognized actuarial method which is used to establish the cost of pension plan benefits and expenses.

The actuary for the system shall develop the actuarial assumptions to be used in evaluating the costs of the system. To the extent deemed appropriate by the actuary, actuarial assumptions shall be based on the experience of the system. The actuary shall use his or her best judgment in interpreting prior experience of the system, similar experience elsewhere, trends, and opinions in his or her development of such actuarial assumptions. Each actuarial assumption shall represent as realistic an appraisal of relevant future experience (including expected inflation) at the time the assumption is made, and all assumptions considered together shall be such that their use shall permit the actuary to make an estimate of costs which he or she believes to be a reasonable one. The actuary shall submit in his or her report a full discussion of all assumptions used in the actuarial valuation.

The board shall direct the actuary to determine the amount and character of all unfunded liability of the system using widely used, sound, and well-recognized actuarial methods and shall direct the actuary to determine the contribution rates according to section 385. Neither terminal funding cost method nor the current funding (pay-as-you-go) cost method is an acceptable method, and neither of such methods shall be recommended by the actuary or adopted by the board; provided, however, this section shall not apply to the funding of benefits for service rendered prior to April 1, 1935, or to the funding of benefits provided pursuant to the retirement plans created by former (1976) Charter sections 173, 175, 175.1, 175.13 and to benefits payable to transferred employees as provided in section 374 of this Charter. (Amended June 6, 1989)

§ 385 Funding.

It shall be the policy of the board to set rates which shall:

(a) Cause the city to pay the unfunded city costs of the system as of January 1 1977, based upon an actuarial evaluation as of June 30, 1976, over a period ending on June 30, 2007;

(b) Cause the city to amortize any increases or decreases in the estimated city costs of the system which occur after June 30, 1976, over periods of time ending on the latter of June 30, 2007, or ten (10) years after the dates such increases or decreases were incurred;

(c) Cause the city to make such city contributions as may be required to amortize liabilities described in (a) or (b) preceding as a level percentage of total payroll;

(d) Cause the city to begin to make the city contributions described in Subparagraph (a) beginning on January 1, 1983, and to make contributions beginning on January 1, 1977, such that the city contributions for the six (6) succeeding calendar years will be expected to increase each year uniformly as a percentage of total payroll from the amount actually contributed by the city in fiscal year 1976-77 to that estimated as required under Subparagraph (c) for the calendar year following January 1, 1983, and later; and,

(e) Cause the city to comply with any applicable federal law relating to minimum funding of this system, notwithstanding any provision in this section to the contrary.

(Adopted November 2, 1976)

§ 386 Accounting.

As nearly as practicable, the accounting system for the retirement system shall conform to generally accepted accounting principles. The board shall cause the funds of the retirement system to be accounted for according to membership in, and funds contributed to, each plan in the system. Accumulated contributions of members shall be accounted for according to individual members' accounts. In accounting for contributions under this plan and the "equal shares retirement plan" created by former (1976) Charter section 302, the city's contributions for safety members and for miscellaneous members shall be accounted separately by group. The accounting system shall account separately for accumulated contributions of all retired and deceased members held for payment of annuities to or on account of such members and city

contributions held for payment of pensions to or on account of such members. (Amended June 6, 1989)

§ 387 Interest.

At least annually, the board shall review the new investment earnings of the system on invested funds and shall determine the annual interest rate which shall be used in determining the amount of interest to be credited to contributions of the city, contributions of members and contributions of retired members. Said interest rate shall bear a reasonable relationship to the net rate of return from investments by the system as determined by the board.

Upon determining the rate of interest to be credited, the board shall periodically cause such interest to be credited to such contributions. Any difference between net investment earnings of the system and the interest credited to contributions shall be credited to such fund or funds of the retirement system as may be determined by the board. (Adopted November 2, 1976)

§ 388 Retirement Hearing Commission.

The Retirement Hearing Commission shall have jurisdiction only to hear appeals as hereinafter described. Any person who has a direct financial interest who is adversely affected by a decision of the retirement system manager with respect to such person's claim for benefits, or claim for a refund pursuant to former (1989) Charter section 436, shall have the right to appeal to the Retirement Hearing Commission.

Prior to the commission acting upon any appeal filed with it, the commission shall refer said appeal to an independent hearing officer. Such hearing officer shall hear the matter and make a recommendation to the commission, which recommendation shall include proposed findings of fact and a proposed decision. The commission, after reviewing the record, the proposed findings of fact and proposed decision, and taking such additional evidence as may be necessary, may adopt, modify or reject the proposed findings of fact and proposed decision.

All hearing officers shall be provided by the Office of Administrative Hearings of the State of California, or its successor in interest; provided, however, that the commission, with the

approval of the city council, may prescribe rules for selecting hearing officers other than from the Office of Administrative Hearings.

The cost of securing hearing officers shall be borne by the city.

The city council shall by ordinance prescribe procedures to be followed by the commission in matters relating to its duties. The commission, with the approval of the city council, may contract to obtain such services and advice as are necessary to carry out its duties pursuant to the Charter. (Amended June 6, 1989)

§ 389 Membership.

The commission shall consist of the following persons:

- (a) The city manager, or designated representative;
- (b) The city finance director, or designated representative;
- (c) A resident of the city, not a member of the board, not connected with the government of the city; and
- (d) Two miscellaneous members of the system.

A majority of the members of the commission shall constitute a quorum. Action by the commission shall require the affirmative vote of three members, except that a lesser number may adjourn from time to time. (Amended June 6, 1989)

§ 390 Selection of members; terms.

(a) Selection. Members of the commission other than the city manager or designated representative and the city finance director or designated representative, shall be selected as follows:

(1) The city resident member of the commission shall be appointed by and serve at the pleasure or the city council; and

(2) Each employee member shall be selected under election procedures established by the city council by and from active miscellaneous members of the system.

(b) Terms. The terms of office of the commission members, other than the city manager or designated representative and the city finance director or designated representative, shall be for fixed terms of four (4) years and until their successors are selected. Provided, however, that the first term of each such member shall be as follows:

(1) The city resident member serving on the commission on the day preceding the effective date of these amendments shall serve as a commission member until the expiration of his or her current four-year term, or until a successor is selected.

(2) The miscellaneous member serving on the commission on the day preceding the effective date of these amendments shall serve as a commission member until December 31, 1993, or until a successor is selected.

(3) So as to stagger the terms of the two miscellaneous members, the first term of the second miscellaneous member shall end December 31, 1991 or until a successor is selected. Thereafter the member selected to serve as the second miscellaneous member shall serve for the four-year fixed term.

(Amended June 6, 1989)

§ 391 Retirement system manager.

The city manager shall appoint a retirement system manager who shall serve as secretary of the board and secretary of the commission. Subject to the provisions of section 388, the retirement system manager shall have full authority under the Charter and such general ordinances as may be lawfully adopted by the city council to determine when and to what extent members may receive or may continue to receive benefits of any type or kind under the retirement system. All claims for benefits payable by the Sacramento City Employees' Retirement System, and claims for refunds under former (1989) Charter section 436, shall be filed with the retirement system manager. The city council shall by ordinance prescribe procedures to be followed by the retirement system manager in matters relating to his or her duties.

The retirement system manager, with the approval of the city council, may contract to obtain such services and advice as are necessary to carry out his or her duties pursuant to this Charter. (Amended June 6, 1989)

§ 392 Legal counsel.

The city attorney shall serve as the legal counsel for the board, the commission and the retirement system. (Adopted November 2, 1976)

§ 393 Costs.

All usual, normal and reasonable costs of administering the retirement system, including actuarial fees and costs, shall be borne by the city. When an agreement is entered into by the board with professional financial advisors, such as investment counsel, trust companies, or trust department of banks in regard to the management and investment of the funds in the system, any fee stipulated in such agreement to be paid to such financial advisors shall not be considered a cost of administration but shall be considered as a charge against the assets of the retirement system to be apportioned among the fund or funds of the retirement system as determined by the board. In addition, any other ordinary costs incurred in regard to the management and investment of the funds in the system, including, but not limited to, brokers' fees, attorneys' fees, insurance, taxes, and property management fees, shall not be considered a cost of administration but shall

be considered as a charge against the assets of the retirement system to be apportioned among the fund or funds of the retirement system as determined by the board. (Adopted November 2, 1976)

§ 394 Social security coverage.

The city council shall enact an ordinance or ordinances prescribing the conditions according to which any and all miscellaneous employees of the city may be covered under the Old Age, Survivors, Disability and Health Insurance provisions of the Social Security Act. The provisions of any ordinance or ordinances applicable to miscellaneous members of the system shall substantially conform to the provisions of former (1976) Charter section 175.12.5 with such modifications as are necessary to make the provisions of said section applicable to miscellaneous members of the “equal shares retirement plan” and the former (1989) Charter Section 399 Plan. (Amended June 6, 1989)

§ 395 Reciprocity with other governmental retirement systems.

The city council may, subject to the provisions of section 373 of this article, enact ordinances and enter into agreements concerning reciprocity with the retirement systems of other governmental entities.

The ordinance may provide for a modification of rights and benefits of a member of the system because of membership in a reciprocal system similar to and under the same conditions as those provided under the County Employees’ Retirement Law of 1937 and the Public Employees’ Retirement Law because of membership in two or more retirement systems established by or pursuant to such laws. The ordinance shall be filed with each board administering a reciprocal system and shall become effective upon the adoption of a resolution of such administering board accepting the city system as a reciprocal system. Such modification shall apply only to a member whose termination and entry into employment occurred after such effective date.

As a condition precedent to his or her eligibility to receive reciprocal benefits under this section, the ordinance may require a member of the system to relinquish any benefits to which he or she would be entitled under ordinances enacted pursuant to section 378 of this article. The ordinance shall provide that the provisions of section 378 of this article shall not be applicable to

any employee of the city who becomes a member of this system after the effective date of any reciprocity agreement entered into pursuant to former (1976) Charter section 367.

A reciprocal system, for purposes of this section, means a retirement system established under the County Employees' Retirement Law of 1937, the Public Employees' Retirement System, a retirement system of a city whose retirement ordinance contains the provisions authorized by this section, or a retirement system of a city or city and county established by its charter and providing for modification of rights and benefits similar to and under the same conditions as those provided for under this section. (Amended June 6, 1989)

§ 396 Dissolution of marriage.

Notwithstanding any provision in this system to the contrary, whenever a benefit payable to the surviving spouse under this systems terminates or is reallocated because of the remarriage of the spouse, the termination or reallocation of the benefit shall be only for the period of remarriage, and in the event that the surviving spouse resumes the status of an unmarried person, the benefit shall be fully reinstated or reallocated, as the case may be, to the surviving spouse for said unmarried periods. (Adopted November 2, 1976)

§ 397 Discharge of adverse claims.

Notwithstanding the provisions of Section 5105 and 5125 or the Civil Code of the State or California, whenever any payment of benefits or refund is made by the system to or on account of a member, such payment shall fully discharge this system from all adverse claims, thereto unless, before such payment or refund is made, the retirement system manager has received written notice by or on behalf of some other person that such person claims to be entitled to such payment or refund. (Adopted November 2, 1976)

§ 398 Execution, etc.

No right of a person to any benefit or refund under this article and no funds of the retirement system shall be subject to execution, garnishment, attachment, or any other process whatsoever, and no such right or funds shall be assignable. (Adopted November 2, 1976)

§ 399 Continuation of "Section 399 plan."

Subject to the requirements of section 374 of this Charter relating to enactment of ordinances providing for continuance of employee retirement plans, sections 399 through 444 of the Sacramento City Charter are repealed as of the effective date of these amendments. (Amended June 6, 1989)

§ 400 Implementation; administrative remedy; saving provision.

The city council may at any time provide by ordinance for implementation of any procedure, or for any matter arising due to unforeseen circumstances, or for any remedy necessary to accomplish full transfer in an equitable manner or all active safety employees to PERS, including but not limited to such hearing procedures as may be required by Government Code Section 21026 or any other section of the Government Code, procedures for any determinations required by that code to be made by the city with respect to disability retirement, and any provisions necessary to resolve questions relating to the following categories of persons:

(a) Former SCERS safety members who have left city employment but are covered by reciprocity provisions or agreements.

(b) Former SCERS safety members who have left city employment but who elected deferred retirement and have left their contributions in the system.

(c) Former SCERS safety members who left city employment, were reemployed by the city prior to the effective date of the new contract, again became SCERS safety members, and who have redeposit rights which as of the effective date of the new contract have not been exercised so as to receive service credit for the break in service.

(d) Former SCERS safety members who left city employment and are reemployed after the effective date of the new contract, and who did not elect deferred retirement or leave their contributions in the system.

(e) Former SCERS safety members who retired for disability and who returned to city employment pursuant to former (1989) Charter section 417 as a miscellaneous employee, but who elected to retain safety membership.

In the event that a court of competent jurisdiction determines in a final judgment that all or any provision of this article or any new contract entered into with the Public Employees' Retirement System, or any ordinance enacted pursuant to this article is invalid, the city council shall provide by ordinance for compliance with the terms and conditions of any such court order.

The city council shall provide by ordinance, prior to the effective date of any new contract, for an administrative appeal and remedy procedure to address any claim made by a member of SCERS, any employee, any retiree or any beneficiary that this article or any new contract entered into with the Public Employees' Retirement System, or any ordinance enacted pursuant to this article is invalid for any reason. As adopted, such procedure shall be mandatory, final and binding on all parties thereto, and shall be reviewable only by court proceedings instituted pursuant to Code of Civil Procedure 1094.5. (Amended June 6, 1989)

§ 401 Conflicting Charter provisions.

Any section or part of any section in this Charter, insofar as it should conflict with the sections of this article or with any part thereof, shall be superseded by the contents of said sections. In the event that any word, phrase, clause or section of these sections shall be adjudged unconstitutional, the remainder thereof shall remain in full force and effect. (Amended June 6, 1976)

Article XVIII Impartial and Binding Arbitration for Police Department Employee Disputes § 500 Declaration of Policy.

It is hereby declared to be the policy of the City of Sacramento that strikes by police officers are not in the public interest and should be prohibited, and that a method should be adopted for peacefully and equitably resolving disputes that might otherwise lead to such strikes. (Adopted November 5, 1996)

§ 501 Prohibition Against Strikes.

If any police officer employed by the City of Sacramento wilfully engages in a strike against the City, said employee shall be dismissed from his or her employment and may not be reinstated or returned to City employment except as a new employee. No officer, board, council or commission shall have the power to grant amnesty to any employee charged with engaging in a strike against the City. (Adopted November 5, 1996)

§ 502 Obligation to Negotiate in Good Faith.

The City, through its duly authorized representatives, shall negotiate in good faith with recognized police department employee organizations on all matters relating to the wages, hours, and other terms and conditions of City employment, including the establishment of procedures for the resolution of grievances concerning the interpretation or application of a negotiated agreement. Unless and until agreement is reached through negotiations between authorized representatives of the City and a recognized employee organization for the police department or a determination is made through the impartial arbitration procedure hereinafter provided, no existing benefit, term or condition of employment for said police department employees shall be altered, eliminated or changed. (Adopted November 5, 1996)

§ 503 Impasse Resolution Procedures.

(a) All disputes or controversies pertaining to wages, hours or terms and conditions of employment which remain unresolved after good faith negotiations between the City and a police department employee organization shall be submitted to a three-member Board of Arbitrators upon the declaration of an impasse by the City or by the recognized employee organization involved in the dispute.

(b) Representatives designated by the City and representatives of the recognized employee organization involved in the dispute shall each select and appoint one arbitrator to the Board of Arbitrators within three (3) days after either party has notified the other, in writing, that it desires to proceed to arbitration. The third member of the Arbitration Board shall be selected by agreement between the City and the employee organization, and shall serve as the neutral arbitrator and Chairperson of the Board. In the event that the City and the recognized employee organization involved in the dispute cannot agree upon the selection of the neutral arbitrator within ten (10) days from the date that either party has notified the other that it has declared an impasse, either party may then request the State Mediation and Conciliation Service of the State of California Department of Industrial Relations to provide a list of seven (7) persons who are qualified and experienced as labor arbitrators. If the City and the employee organization cannot agree within three (3) days after receipt of such list on one of seven (7) persons to act as the neutral arbitrator, they shall alternately strike names from the list of nominees until one name remains and that person shall then become the neutral arbitrator and Chairperson of the Arbitration Board.

(c) Any arbitration proceeding convened pursuant to this Article shall be conducted in conformance with, subject to, and governed by Title 9 of Part 3 of the California Code of Civil Procedure. The Arbitration Board shall hold public hearings, receive evidence from the parties and cause a transcript of the proceedings to be prepared. The Arbitration Board, in the exercise of its discretion, may meet privately with the parties and mediate or mede-arb issues in dispute. The Arbitration Board may also adopt such other procedures that are designed to encourage an agreement between the parties, expedite the arbitration hearing process, or reduce the costs of the arbitration process.

(d) In the event no agreement is reached prior to the conclusion of the arbitration hearings, the Arbitration Board shall direct each of the parties to submit, within such time limit as the Arbitration Board may establish, a last offer of settlement on each of the remaining issues in dispute. The Arbitration Board shall decide each issue by majority vote by selecting whichever last offer of settlement on that issue it finds most nearly conforms to those factors traditionally taken into consideration in the determination of wages, hours, benefits and terms and conditions of public and private employment, including, but not limited to the following: changes in the average consumer price index for goods and services; the wages, hours, benefits and terms and conditions of employment

of employees performing similar services to the extent that such can be reasonably done, including comparable classifications in public employment in the Sacramento metropolitan area, and in the three California cities next larger and the three California cities next smaller in population than Sacramento; and the financial condition of the City of Sacramento its ability to meet the costs of the decision of the Arbitration Board.

(e) After reaching a decision, the Arbitration Board shall mail or otherwise deliver a true copy of its decision to the parties. The decision of the Arbitration Board shall not be publicly disclosed and shall not be binding until ten (10) days after it is delivered to the parties. During that ten (10) day period the parties shall meet privately, attempt to resolve their differences, and by mutual agreement amend or modify the decision of the Arbitration Board. At the conclusion of the ten (10) day period, which may be extended by mutual agreement between the parties, the decision of the Arbitration Board as it may be modified or amended by the parties, shall be publicly disclosed and shall be binding on the parties. The City and the employee organization shall take whatever action is necessary to carry out and effectuate the arbitration award. No other actions by the City Council or by the electorate to confirm or approve the decision of the Arbitration Board shall be permitted or required.

(f) The expenses of any arbitration proceeding convened pursuant to this Article, including the fee for the services of the chairperson of the Arbitration Board and the costs of preparation of the transcript of the proceedings shall be borne equally by the parties. All other expenses which the parties may incur individually are to be borne by the party incurring such expenses.

(Adopted November 5, 1996)

Article XIX. Impartial and Binding Arbitration for Fire Department Employee Disputes

§ 600 Declaration of Policy.

It is hereby declared to be the policy of the City of Sacramento that strikes by fire fighters are not in the public interest and should be prohibited, and that a method should be adopted for peacefully and equitably resolving disputes that might otherwise lead to such strikes. (Adopted June 2, 1998)

§ 601 Prohibition Against Strike

If any fire fighter employed by the City of Sacramento wilfully engages in a strike against the City, said employee shall be dismissed from his or her employment and may not be reinstated or returned to City employment except as a new employee. No officer, board, council or commission shall have the power to grant amnesty to any employee charged with engaging in a strike against the City. (Adopted June 2, 1998)

§ 602 Obligation to Negotiate in Good Faith.

The City, through its duly authorized representatives, shall negotiate in good faith with a recognized employee organization, which primarily represent fire fighters, on all matters relating to the wages, hours, and other items and conditions of City employment, including the establishment of procedures for the resolution of grievances concerning the interpretation or application of a negotiated agreement. Unless and until an agreement is reached through negotiations between authorized representatives of the City and a recognized employee organization, which primarily represents fire fighters, for the non-management and non-confidential members of the fire department or a determination is made through the impartial arbitration procedure hereinafter provided, no existing benefit term or condition of employment for said non-management or non-confidential fire department employees shall be altered, eliminated or changed. (Adopted June 2, 1998)

§ 603 Impasse Resolution Procedures.

A) All disputes or controversies pertaining to wages, hours or terms and conditions of employment for non-management and non-confidential employees which remain unresolved after good faith negotiations between the City and a recognized fire department employee organization, which primarily represents fire fighters, shall be submitted to a three-member Board of Arbitrators upon the declaration of an impasse by the City or by the recognized employee organization involved in the dispute.

B) Representatives designated by the City and representatives of the recognized employee organization involved in the dispute shall each select and appoint one arbitrator to the Board of Arbitrators within three (3) days after either party has notified the other, in writing, that it desires to proceed to

arbitration. The third member of the Arbitration Board shall be selected by agreement between the City and the employee organization, and shall serve as the neutral arbitrator and Chairperson of the Board. In the event that the City and the recognized employee organization involved in the dispute cannot agree upon the selection of the neutral arbitrator within ten (10) days from the date that either party has notified the other that it has declared an impasse, either party may then request the State Mediation and Conciliation Service of the State of California Department of Industrial Relations to provide a list of seven (7) persons who are qualified and experienced as labor arbitrators. If the City and the employee organization cannot agree within three (3) days after receipt of such list on one of seven (7) persons to act as the neutral arbitrator, they shall alternately strike names from the list of nominees until one name remains and that person shall then become the neutral arbitrator and Chairperson of the Arbitration Board.

C) Any arbitration proceeding convened pursuant to this Article shall be conducted in conformance with, subject to, and governed by Title 9 of Part 3 of the California Code of Civil Procedure. The Arbitration Board shall hold public hearings, receive evidence from the parties and cause a transcript of the proceedings to be prepared. The Arbitration Board, in the exercise of its discretion, may meet privately with the parties and mediate or mediate-arbitrate issues in dispute. The Arbitration Board may also adopt such other procedures that are designed to encourage an agreement between the parties, expedite the arbitration hearing process, or reduce the costs of the arbitration process.

D) In the event no agreement is reached prior to the conclusion of the arbitration hearings, the Arbitration Board shall direct each of the parties to submit, within such time limit as the Arbitration Board may establish, a last offer of settlement on each of the remaining issues in dispute. The Arbitration Board shall decide each issue by majority vote by selecting whichever last offer of settlement on that issue it finds most nearly conforms to those factors traditionally taken into consideration in the determination of wages, hours, benefits and terms and conditions of public and private employment, including, but not limited to the following: changes in the average consumer price index for goods and services; the wages, hours, benefits and terms and conditions of employment of employees performing similar services to the extent that such can be reasonably done, including comparable classifications in public employment in the Sacramento metropolitan area, and in the three California cities next larger and the three California cities next smaller in population than Sacramento; and the financial condition of the City of Sacramento and its ability to meet the costs of the decision of the Arbitration Board.

E) After reaching a decision, the Arbitration Board shall mail or otherwise deliver a true copy of its decision to the parties. The decision of the Arbitration Board shall not be publicly disclosed and shall not be binding until ten (10) days after it is delivered to the parties. During that ten (10) day period the parties shall meet privately, attempt to resolve their differences, and by mutual agreement amend or modify the decision of the Arbitration Board. At the conclusion of the ten (10) day period, which may be extended by mutual agreement between the parties, the decision of the Arbitration Board, as it may be modified or amended by the parties, shall be publicly disclosed and shall be binding on the parties. The City and the employee organization shall take whatever action is necessary to carry out and effectuate the arbitration award. No other actions by the City Council or by the electorate to confirm or approve the decision of the Arbitration Board shall be permitted or required.

F) The expenses of any arbitration proceeding convened pursuant to this Article, including the fee for the services of the chairperson of the Arbitration Board and the costs of preparation or the transcript of the proceedings shall be borne equally by the parties. All other expenses which the

parties may incur individually are to be borne by the party incurring such expenses. (Adopted June 2, 1998)