



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

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CONSENT

December 5, 2006

Honorable Members of the
Law and Legislation Committee

Title: Amend Chapter 2.68 of the Sacramento City Code Relating to the Structure of the Sacramento Commission of History and Science

Location/Council District: Citywide

Recommendation: Staff recommends that the Law and Legislation Committee approve, and forward to the full Council, the proposed amendments to Chapter 2.68 of the Sacramento City Code regarding the Sacramento Commission of History and Science.

Contact: James E. Henley, Manager, History and Science Division, 264-7072

Presenters: James E. Henley, Manager, History and Science Division, 264-7072

Department: Convention, Culture and Leisure Department

Division: History & Science

Organization No: 4251

Description/Analysis

Issue: The Sacramento Commission of History and Science was established by ordinances adopted by both the City (May 1990, Ordinance Number 90-016) and the County of Sacramento (February 1990). Earlier configurations of this Commission date back to 1954 and include the Sacramento Museum and History Commission, and still earlier, the Historic Landmarks Commission. In the intervening years, the makeup of the member organizations have changed, and County funding for one of the Commission's Committees has not been allocated for many years.

The proposed amendments will (1) reassign one vacant Commission position; (2) restructure the Committees, and (3) eliminate the term limits for the three positions not appointed by either the City or the County. A redline version and a final ("clean") version of the proposed Ordinance changes are attached to this report as Attachment 1 and Attachment 2, respectively.

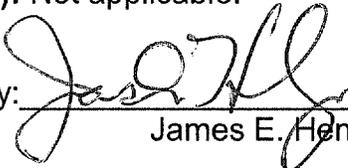
Policy Considerations: The actions recommended in this report support the City's Core Values of Inclusiveness, and Community Participation and Input.

Environmental Considerations: The amendments recommended in this report are not considered a project and therefore have no potential for an effect on the environment as stated by the provisions of the California Environmental Quality Act (Section 15061 (b) (3)).

Rationale for Recommendation: The proposed ordinance amendments will permit the Commission to reflect the functional and financial realities under which it now exists and allow the Commission to remain a significant voice in the community.

Financial Considerations: The amendments recommended in this report will have no financial consequences to the City.

Emerging Small Business Development (ESBD): Not applicable.

Respectfully Submitted by: 
James E. Henley, Manager

Approved by: 
Barbara E. Bonebrake, Director

Recommendation Approved:

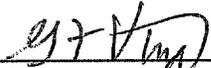

GUSTAVO F. VINA
Assistant City Manager

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BACKGROUND

Of the fifteen Commission positions, five are appointed by the City Council and five by the County Board of Supervisors. One Commissioner is appointed by the Mayors of Folsom, Isleton and Galt and ratified by the City and the County of Sacramento.

Of the four remaining positions, the existing ordinance dictates one Commissioner is appointed by the "Sacramento County Historical Society", one by the "Sacramento History Center Association", one by the "Sacramento Science Center and Junior Museum", and the final Commissioner is appointed by the "American River Natural History Association".

Originally, when the "Sacramento History Center Association" and the "Sacramento Science Center and Junior Museum" were separate entities it made sense for each to have its own representative. However, in 1993, they merged into a single entity under one Board of Directors now known as the "Discovery Museum". The Discovery Museum is therefore entitled to only one representative. The Discovery Museum currently has one appointee in place, while the position formerly assigned to the Sacramento Science Center is vacant. It is recommended that the Sacramento Science Center position be converted to a representative jointly-appointed by both the City Council and the Board of Supervisors. It is also recommended that the reference to the "Sacramento Science Center and Junior Museum" be eliminated.

The current ordinance also prescribes four Committees: (1) the "Executive Committee"; (2) the "History & Science Committee"; (3) the "Community Outreach and Education Committee" and (4) the "Grants and Awards Committee". The Grants and Awards Committee was established to recommend that the County award Transient Occupancy (T.O.) Tax Funds to worthy History-related organizations.

As the County has been unable to allocate any part of the T.O. Tax for several years, it is recommended that the reference to the Grants and Awards Committee be removed and the Committees be restructured to include (1) the "Executive Committee"; (2) the "Monuments Committee" which would identify sites for the placement of historic monuments, research and compose interpretive text for the monuments, identify proposed designs, and estimating the costs, all subject to the approval of the City Council and the Board of Supervisors; (3) the "Landmarks Committee" which would provide the same function for the placement of historic plaques; and (4) the "Education Committee" which would combine the oversight and reporting responsibilities of the former History & Science Committee and the programming responsibilities of the former Community Outreach and Education Committee. At its regularly scheduled April 6, 2006 meeting the Commission voted to accept these changes.

Two Sections of the City Code regarding term limits are in conflict. City Code Section 2.40.120(B)(2) ("Boards and Commissions Generally") exempts from term limits those appointees who are "appointed *jointly* by the mayor or city council *and any other appointing authority*". This would include the three appointees from non-profit

organizations: the Discovery Museum, the American River Natural History Association and the Sacramento County Historical Society.

However, City Code Section 2.68.030(B) establishing the Sacramento Commission of History and Science requires term limits. All Commissioners are presently limited to two three-year terms (they may also serve any remaining portion of the term of the Commissioner they replace). It is recommended that City Code Section 2.68.030(B) be re-written to be consistent with the City's general Code Section 2.40.120(B)(2) ("Boards and Commissions Generally"). The proposed change will eliminate term limits for the three non-profit appointees. The term limits would, however, remain in place for those City-appointed and the County-appointed Commissioners, thus creating a two-tiered system of terms of service.

Nonetheless removing term limits for the non-profit appointees is recommended. The non-profit organizations have a limited pool of interested candidates from which to draw, leaving some positions vacant for extended periods. Continued vacancies hamper the inclusiveness (equal representation) and the effectiveness of the Commission. Consequently, the non-profit organizations wish to reserve the right to consider their incumbent representatives for reappointment as each of their terms expire.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE AMENDING SECTIONS 2.68.030, 2.68.040 and 2.68.050 OF
THE SACRAMENTO CITY CODE RELATING TO THE SACRAMENTO
COMMISSION OF HISTORY AND SCIENCE**

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

SECTION 1.

2.68.030 Appointment and removal of members.

The commission shall consist of fifteen (15) members who shall be appointed as follows:

A. Five members to be appointed by, and serve at the pleasure of, the board.

B. Five members to be appointed by, and serve at the pleasure of, the mayor with approval of the council.

C. One member to be jointly appointed by, and serve at the collective pleasure of, the mayors of the cities of Folsom, Isleton and Galt; provided, however, the chairperson of the board may make such appointment, subject to approval by the board, should such mayors fail to do so within thirty (30) days following written request therefor from county.

D. Three members to be appointed by, and serve at the collective pleasure of, the board and the mayor, with approval of the council, from candidates recommended as follows:

1. One candidate recommended by the board of directors of the Discovery Museum.

2. One candidate recommended by the American River Natural History Association.

3. One member recommended by the Sacramento County Historical Society.

Relating to the Structure of the Sacramento Commission of History and Science

E. One member to be appointed by, and serve at the collective pleasure of, the board and the mayor, with approval of the council.

2.68.040 Term of office .

A. Except as otherwise provided by this section and Section 2.68.070 of this chapter, each member shall serve for a term of three years.

B. No member appointed pursuant to Section 2.68.030(B) shall serve more than two consecutive three-year terms, except when that member is appointed to complete an unexpired term, in which case that member may serve up to two consecutive three-year terms in addition to such initial term. There shall be no limit on the number of consecutive terms members appointed pursuant to Section 2.68.030 (D) may serve.

2.68.050 Officers and committees.

A. The members shall elect a chair and a secretary, who shall each serve for a term of one year. The chair shall be entitled to vote, participate in discussions, and make or second motions without relinquishing the chair. In the absence, or inability to serve, of the chair, the members present shall select a member to act as temporary chair.

B. The commission may establish standing committees, whose chair and members shall be appointed by the chair of the commission from among the members of the commission.

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

Ayes:

Noes:

Abstain:

Absent:

MAYOR

Attest:

City Clerk

Passed for Publication:

Published:

Effective:

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE AMENDING SECTIONS 2.68.020, 2.68.030, 2.68.040,
AND 2.68.050 OF THE SACRAMENTO CITY CODE RELATING TO THE
SACRAMENTO COMMISSION OF HISTORY AND SCIENCE**

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

SECTION 1.

Sections 2.68.020, 2.68.030, 2.68.040, and 2.68.050 of the Sacramento City Code are amended to read as follows:

2.68.020 Definitions

As used in this chapter, the following definitions shall apply:

“Board” means the board of supervisors of Sacramento County.

“City” means the city of Sacramento.

“Commission” means the Sacramento Commission of history and science.

“Council” means the city council of the city of Sacramento.

“County” means the county of Sacramento.

“Division” means the history and science division of the city of

Sacramento’s department of ~~convention, culture, and leisure.~~

“Mayor” means the mayor of the city of Sacramento.

“Member” means the person appointed as a member of the commission.

Deleted: parks and community services

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¶

2.68.030 Appointment and removal of members.

The commission shall consist of fifteen (15) members who shall be appointed as follows:

- A. Five members to be appointed by, and serve at the pleasure of, the board.
- B. Five members to be appointed by, and serve at the pleasure of, the mayor with approval of the council.
- C. One member to be jointly appointed by, and serve at the collective pleasure of, the mayors of the cities of Folsom, Isleton and Galt; provided, however, the chairperson of the board may make such appointment, subject to approval by the board, should such mayors fail to do so within thirty (30) days following written request therefor from county.

D. Three members to be appointed by, and serve at the collective pleasure of, the board, and the mayor, with approval of the council, from candidates recommended as follows:

- 1. One candidate recommended by the board of directors of the Discovery Museum.
- 2. One candidate recommended by the American River natural history association.
- 3. One member recommended by the Sacramento County historical society.

E. One member to be appointed by, and serve at the collective pleasure of, the board and the mayor, with approval of the council.

2.68.040 Term of office,

A. Except as otherwise provided by this section and Section 2.68.070 of this chapter, each member shall serve for a term of three years.

B. No member shall serve more than two consecutive three-year terms, except a member appointed to complete an unexpired term, may serve up to two consecutive three-year terms in addition to such initial term; provided, however, there shall be no limit on the number of consecutive terms members appointed pursuant to Section 2.68.030(D) may serve.

2.68.050 Officers and committees.

A. The members shall elect a chair and a secretary, who shall each serve for a term of one year. The chair shall be entitled to vote, participate in discussions, and make or second motions without relinquishing the chair. In the absence, or inability to serve, of the chair, the members present shall select a member to act as temporary chair.

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Deleted: Sacramento Science Center and Junior

Deleted: 2. One candidate recommended by the board of trustees of the Sacramento history center association.¶
3.

Deleted: 4.

Deleted: – First appointment

Deleted: Notwithstanding the provisions of subsection A of this section, the members first appointed shall serve from the date on which the commission holds its first meeting for the following terms:¶

¶ 1. Two members appointed by the board and two members appointed by the council shall each serve for a period of one year.¶

¶ 2. Two members appointed by the board and two members appointed by the council shall each serve for a period of two years.¶

¶ 3. One member appointed by the board and one member appointed by the council shall each serve for a period of three years.¶

¶ 4. The member appointed pursuant to subsection C of Section 2.68.030 of this chapter shall serve for a period of three years.¶

¶ 5. The member appointed upon the recommendation of the Sacramento history center association board of trustees shall serve for a period of one year.¶

¶ 6. The member appointed upon the recommendation of the Sacramento Science Center and Junior Museum board of directors shall serve for a period of two years.¶

¶ 7. The member appointed upon the recommendation of the American River natural history association and the member appointed upon the recommendation of the Sacramento County historical society shall each serve for a period of three years.¶

¶ C.

Deleted: , or whose initial term is less than three years,

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B. The commission may establish standing committees, whose chair and members shall be appointed by the chair of the commission from among the members of the commission.

Deleted: shall have the following

- Deleted:** ¶
1. Executive committee;¶
 2. History and science committee;¶
 3. Community outreach and education committee; and¶
 4. Grants and awards committee

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

Deleted: ¶
¶

Ayes:

Noes:

Abstain:

Absent:

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