REPORT TO LAW & LEGISLATION COMMITTEE
City of Sacramento

915 I Street, Sacramento, CA 95814-2671

CONSENT
September 20, 2011

Honorable Members of the
Law and Legislation Committee

Subject: Ordinance: Repeal Chapter 2.54 of the Sacramento City Code, relating to the Small Business Development and Employment Advisory Board

Location/Council District: Citywide

Recommendation: Approve and forward to the full City Council for adoption, an Ordinance repealing Chapter 2.54 of the Sacramento City Code, related to the Small Business Development and Employment Advisory Board (SBDEAB).

Contact: Jim Rinehart, Economic Development Director, 808-5054

Department: Economic Development

Division: Citywide

Organization No: 18001001

Description/Analysis

Issue: On June 21, 2011, the City Council adopted the Fiscal Year 2011-2012 budget for the City of Sacramento. It included a provision which defunded the SBDEAB. Currently, Chapter 2.54 of the Sacramento City Code, which established the SBDEAB, requires that the Board meet on a monthly basis, that one Board member be a City employee and that the City Manager provide staff to the SBDEA. It is recommended that the SBDEAB be dissolved by repealing Chapter 2.54 of the Sacramento City Code, to be consistent with the budget approved by the City Council.

Policy Considerations: On June 21, 2011, the City Council adopted the Fiscal Year 2011-2012 budget. Funding allocations for SBDEAB staffing was eliminated; therefore, Chapter 2.54 of the Sacramento City Code must be repealed.

Environmental Considerations: None

Ordinance: Repeal Chapter 2.54 of the Sacramento City Code, relating to the Small Business Development and Employment Advisory Board

September 20, 2011

Sustainability: None

Rationale for Recommendation: Chapter 2.54 of the Sacramento City Code must be repealed in order to be consistent with the City's 2011-2012 Fiscal Year budget. If this ordinance is not enacted the Board will continue in existence, out of compliance, with the attendant staffing requirements and the absence of allocated funding to pay for these requirements.

Financial Considerations: The City's recently adopted budget included the elimination of the SBDEAB and associated funding allocations, saving the City general fund approximately $40,000 per year.

Emerging Small Business Development (ESBD): None

Respectfully Submitted by: _____
Melissa Anguiano
Citywide Development Manager

Approved by: _____
James R. Rinehart
Director, Economic Development Department

Recommendation Approved:

_____
JOHN F. SHIREY
City Manager

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2.54.070 Organization and procedures of the board.

At its first meeting, and annually thereafter, the board shall elect a board chairperson and a vice chairperson, who each shall hold office at the pleasure of the board. When there is a vacancy in the office of chairperson or vice chairperson, the board shall fill the office from among its members. The board may adopt rules and procedures for the conduct of its business and may do any other thing necessary or proper to carry out its functions, which may include the formation of one or more committees. Staff services to the board shall be provided by one or more city employees designated by the Sacramento city manager or his or her authorized representative. (Ord. 2000-040 § 1 (part))

2.54.080 Board meetings.

The board shall establish a time and place for regular meetings to be held not less than once each month, which shall be noticed and held in accordance with the provisions of the Ralph M. Brown Act, Government Code Section 54950 et seq. The board shall have the authority to notice and hold special meetings in the manner specified by the Ralph M. Brown Act. (Ord. 2000-040 § 1 (part))

2.54.090 Quorum—Voting.

A quorum shall be required for the board to take any action. A quorum shall be at least six members present who have not been required to abstain due to a conflict of interest. The affirmative vote of a majority of the quorum shall be necessary to approve any item. (Ord. 2000-040 § 1 (part))

2.54.110 General requirements.

Unless specifically provided otherwise in this chapter, the general requirements set forth in Chapter 2.40 of this code, governing the appointment of city board members, attendance at city board meetings, voting, term limits and removal, shall apply to the board. (Ord. 2000-040 § 1 (part))

2.54.120 Conflict of interest—Statements of economic interests.

The provisions of Article III of Chapter 2.16 of this code governing conflicts of interest on city boards shall apply to members of the board. In addition, all appointees to the board shall be required to file statements of economic interests pursuant to a conflict of interest code, which shall be adopted for the board. (Ord. 2000-040 § 1 (part))

Attachment 2

CURRENT CITY CODE BEING REPEALED

Chapter 2.54

Chapter 2.54 THE SMALL BUSINESS DEVELOPMENT AND EMPLOYMENT ADVISORY BOARD

2.54.010 Establishment of board.

The city of Sacramento small business development and employment advisory board is established. (Ord. 2000-040 § 1 (part))

2.54.020 Definitions.

As used in this chapter, the following words and phrases shall have the meaning given to them in this section unless the context clearly requires otherwise:

"Board" means the city of Sacramento small business development and employment advisory board.

"City" means the city of Sacramento.

"City council" means the city council of the city of Sacramento.

"Mayor" means the mayor of the city of Sacramento. (Ord. 2000-040 § 1 (part))

2.54.030 Purposes and functions of board.

The board is established to accomplish the following objectives:

A. To provide advisory recommendations to the mayor and city council on strategies and policies designed to assure equitable and nondiscriminatory practices in the areas of city employment, contracting and purchasing.

B. To monitor goals established by the city council relating to equal opportunity in the city's employment, contracting and procurement activities, and to small business development in the city's contracting and procurement activities.

C. To increase awareness among city departments, vendors, contractors, and the general community, and to provide a forum for public discussion, of the city's efforts to obtain diversity and inclusiveness in the areas of city employment, contracting and procurement activities. (Ord. 2000-040 § 1 (part))

2.54.040 Powers and duties of board.

The powers and duties of the board shall be as follows:

A. To recommend to the mayor and the city council, and to the personnel and public employee committee, programs, practices and strategies relating to the objectives set forth in Section 2.54.030.

B. To review the achievements of the city's efforts to obtain equal opportunity in city employment for all citizens and to provide an annual report to the mayor and city council containing comments and recommendations.

C. To review the achievements of the city's emerging and small business development program and to provide an annual report to the mayor and city council containing comments and recommendations.

D. To recommend to the mayor and the city council educational and other activities that prevent and discourage discrimination and foster fair and equitable treatment in the areas of city employment, contracting and purchasing.

E. To perform such other duties as the city council shall direct. (Ord. 2000-040 § 1 (part))

2.54.050 Board membership.

The board shall be comprised of eleven (11) members appointed by the mayor with approval by a majority of the city council, subject to the following requirements:

A. Four of the members shall represent the small business sector and/or possess substantial knowledge and experience concerning the operation of small businesses in the Sacramento area.

B. Four of the members shall be actively involved in employment issues and/or possess substantial knowledge and experience concerning employment issues, including equal employment opportunity, in the Sacramento area.

C. One member shall be a person who resides in the city.

D. One member shall be a person between the ages of sixteen (16) and twenty (20) who resides in the city.

E. One member shall be a current city department or division manager recommended for appointment by the Sacramento city manager. (Ord. 2000-040 § 1 (part))

2.54.060 Term of office.

Members of the board shall serve a term of two years, except for the member appointed pursuant to Section 2.54.050(E), who shall serve a term of one year. In order to establish staggered terms, the initial appointments of each member, other than the member appointed pursuant

to Section 2.54.050(E), may vary between one and three year terms as decided by the mayor with approval of a majority of the city council. No member shall serve for more than two consecutive terms. In the event a vacancy occurs during the term of any member, the mayor shall appoint, with the approval of a majority of the city council, a successor to serve the unexpired term, subject to the requirements set forth in Section 2.54.050. A member shall hold office until his or her successor has been appointed. A successor appointed to complete an unexpired term because of a vacancy shall be eligible to serve up to two consecutive terms in addition to the unexpired term. (Ord. 2000-040 § 1 (part))

ORDINANCE NO. 2011-XXX

Adopted by the Sacramento City Council

__, 2011

AN ORDINANCE REPEALING CHAPTER 2.54 OF THE SACRAMENTO CITY CODE, RELATED TO THE SMALL BUSINESS DEVELOPMENT AND EMPLOYMENT ADVISORY BOARD TO TAKE EFFECT IMMEDIATELY

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

SECTION 1.

Chapter 2.54 of the Sacramento City Code is repealed.

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: