



EE

City of Santa Ana, Proposed Amendments to Sections 401.05, 611, 702, 703, 1002, and 1103 of the Santa Ana City Charter

Shall the Charter of the City of Santa Ana be amended to delete references to obsolete job titles and obsolete bonding requirements, specify that all department heads are at-will employees, address definitions of funds and levies for compliance with state law, authorize limited purchasing authority for the City Clerk and City Attorney and require the City Council to adopt an ordinance to enforce the Ethics Code?

What your vote means

YES	NO
A "YES" vote on the Measure is a vote in favor of the Charter amendment described above.	A "NO" vote on the Measure is a vote against the Charter amendment described above.

For and against

FOR	AGAINST
Thai Viet Phan Santa Ana Mayor Pro Tem, City of Santa Ana Phil Bacerra Santa Ana City Councilmember, City of Santa Ana	No argument against this measure was submitted.



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Full Text of Measure EE
City of Santa Ana

Sec. 401.05. - Code of ethics and conduct.

The City of Santa Ana shall adopt a Code of Ethics and Conduct for elected officials, the City Attorney, the City Manager, the City Clerk, the Police Chief, directors of all City departments, and members of appointed boards, commissions, and committees to assure public confidence in the integrity of local government elected and appointed officials. The City Council shall periodically review the Code of Ethics and Conduct and make any amendments by ordinance or resolution.

The City Council shall establish by adoption of an Ordinance a process to address alleged violations of the Code of Ethics and to enforce its provisions.

~~Any person alleging a violation of the Code of Ethics and Conduct by the Police Chief, or department director, shall provide a written document to the City Manager with their name and contact information and a brief description of the alleged violation. The City Manager shall review and respond to the complaint in writing and report to the City Council every thirty (30) days of the status of the review.~~

~~Any person alleging a violation of the Code of Ethics and Conduct by any member of the City Council, the City Manager, the City Attorney, the City Clerk, or members of appointed boards, commissions, and committees shall provide a written document to all members of the City Council with their name and contact information and a brief description of the alleged violation. The City Council shall refer the complaint to an ad hoc committee of the Council for review. The Council ad hoc committee may then make a recommendation to the full City Council for further review, investigation or action. When a review or investigation is completed, the City Council may impose sanctions which may include, a reprimand, formal censure, or loss of committee assignments or in the case of members of boards, commissions or committees, removal from the board, commission, or committee. A complaint concerning an alleged violation by one of the Council's appointed employees shall be handled as a personnel matter.~~

Sec. 611. - Same — Capital improvement funds:

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

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

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

Sec. 702. - City Clerk; powers and duties.

The City Clerk shall have the power and be required to: (Add subsection (i))

(i) Enter into contracts related to the Office of City Clerk based upon the City's purchasing policies and dollar limitations established for the city manager or at such other amounts adopted by the city council.

Sec. 703. - City attorney; qualifications, power and duties. (Add subsection (h))

(h) Enter into contracts related to the Office of the City Attorney based upon the City's purchasing policies and dollar limitations established for the city manager or at such other amounts adopted by the city council.

Sec. 1002. - Civil service and excepted service.

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

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

- (1) The individual offices held by all elective officers;
- (2) The City Manager and the City Manager's assistants, if any;
- (3) The City Attorney and the City Attorney's legal assistants, if any;
- (4) The City Clerk;
- (5) The head of each department of the City as specified by ordinance or resolution and of the housing authority of the City of Santa Ana, but not including, the police chief or the fire chief;
- (6) One private secretary The Executive Assistants to the City Manager and City Attorney;
- (7) All members of boards and commissions;
- (8) Positions occupied by persons employed to render professional, scientific, technical, or expert service of an occasional and exceptional nature;
- (9) Positions in any class or grade created for a special or temporary purpose;
- (10) Part-time positions or employments;
- (11) All positions occupied by persons employed to replace employees ordered to active duty, enlisted, or drafted for military service during a national emergency or when this country has declared war and until the expiration of the time when such replaced employee could



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demand their former position of employment under federal or state statutes.

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

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

Sec. 1103.-- Official bonds:

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

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

**Impartial Analysis
City of Santa Ana
Measure EE**

On June 18, 2024, Measure EE was placed on the ballot by the Santa Ana City Council. The Measure proposes to amend sections 401.05 , 611, 702, 703, 1002, and 1103 of the Santa Ana City Charter.

Currently, Charter section 401.05 provides the process by which a complaint regarding a violation of the City’s Code of Ethics and Conduct is investigated. The process used depends on whether the complaint is about the conduct of the Police Chief or a City department director or whether the complaint is about an official appointed by the City Council or members of the City Council. The proposed change would allow the City Council to establish by adoption of an ordinance a process to address alleged violations of the Code of Ethics and to enforce its provisions.

Charter Section 611 provides for a fund for capital improvements. The provisions are out dated and the municipal code already provides for yearly submission of capital improvement plans to the planning director and a report to the City Council. The proposed Charter amendment would delete Section 611.

Charter Sections 702 and 703 set forth the powers and duties and qualifications of the City Clerk and City Attorney. The proposed amendment to each section would allow the City Clerk and City Attorney to enter into contracts related to their respective officers and based upon the City’s purchasing policies and dollar limitations established for the City Manager or at such other amounts adopted by the City Council. Currently, the City Manager has contracting authority up to \$50,000 for non-public works construction contracts.

Charter Section 1103, provides that the City Council shall, by ordinance, fix the amounts and terms of the official bonds and employees of the of the City who are required by the Charter or ordinance to have such a bond. This section is out dated and obsolete. The proposed Charter amendment will delete Section 1103. In the future, an official bond will be obtained when required by state law, contract, or future ordinance of the City Council.

Measure EE requires simple majority approval of Santa Ana voters to pass. If Measure EE does not pass, the Charter provisions impacted by Measure EE will remain unchanged.

A “YES” vote on the Measure is a vote in favor of the Charter amendment described above.

A “NO” vote on the Measure is a vote against the Charter amendment described above.

Santa Ana City Attorney



Argument in Favor of Measure EE

The Santa Ana City Charter was adopted in 1952 and has been amended from time to time to address specific policy matters. This ballot measure is an update for the City Charter which clarifies outdated provisions and streamlines some City processes.

The amendments to the City Charter do the following:

- Deletes references to obsolete job titles and bonding requirements;
- Specifies that all department heads are at-will employees;
- Updates the definitions of funds and levies to comply with state law;
- Authorizes limited purchasing authority for the City Clerk and City Attorney; and
- Requires the City Council to adopt an ordinance to enforce the Ethics Code.

Vote YES to amend the Santa Ana City Charter to modernize and clarify outdated provisions, ensure conformance with applicable law and practices, and save taxpayer time and money.

s/ Thai Viet Phan

Santa Ana Mayor Pro Tem, City of Santa Ana

s/ Phil Bacerra

Santa Ana City Councilmember, City of Santa Ana

No argument against this measure was submitted.