



City Attorney's Impartial Analysis

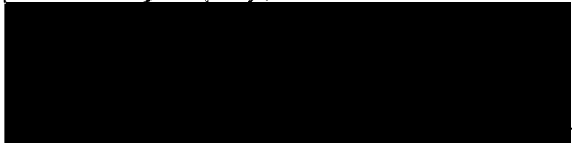
Measure H proposes to amend seven sections of the City Charter. The first two amendments are administrative changes to the provisions governing City Council meetings and City administration.

- Section 2.10 of the Charter currently provides that regular meetings of the Council must be held in City Hall unless by reason of fire, flood, or other disaster. The proposed amendment would allow Council meetings to be held at other locations if "the council determines that another location in the city would be more suitable due to the capacity or condition of the City Hall." The amendment therefore allows for additional scenarios in which Council could hold its regular meetings at a location other than City Hall, such as during construction or renovation work or to allow for greater public attendance.
- Section 4.12 of the Charter currently provides for a Personnel Director position in the City's administration, and describes the powers, duties, and minimum qualifications of that position. The proposed amendment would change the title of that section by replacing the term "personnel" with the term "human resources" and making corresponding replacements in the text of section 4.12. The substantive language pertaining to the personnel director's powers, duties, and qualifications would be unchanged.

The remaining five amendments propose technical refinements to Title V Fiscal Administration to reflect changes in budgeting and financial management practices, and State law.

- Section 5.03 of the Charter currently provides that budget expenditures shall not exceed estimated revenues. The proposed amendment would replace the terms "expenditures" with "requirements" and the terms "estimated revenues" with "total available resources," respectively.
- Section 5.04 of the Charter currently provides that the budget contain a line item for unexpended and unobligated funds from the previous year as part of the estimated revenues for the current year. The proposed amendment would classify budget surpluses from the previous year as "reserves" instead of "estimated revenues."
- Section 5.12 of the Charter establishes a 1% limit on the amount of the annual property tax levy, with certain exceptions. The proposed amendment would repeal Section 5.12. The change reflects the limitation on the City's ability to levy property taxes imposed by Article XIII Section 1 of the California Constitution, as adopted by the voters of California in 1978 (Proposition 13).

- Section 5.13 currently provides that the Council may make supplemental appropriations of excess revenues, up to the amount of such excess. The proposed amendment would replace the term “revenues in excess of those estimated in the budget” with “funds”. This change corresponds with the changes proposed in Sections 5.03 and 5.04.
- Section 5.15 currently requires that sufficient money be available and an adequate unencumbered appropriation balance in the proper account classification for a disbursement. The proposed amendment would replace the term “money” with “funds” and eliminate the requirement of an adequate encumbered appropriation balance in the proper account classification. This change would allow a disbursement from a given account even if that account lacked a sufficient appropriation balance, provided sufficient City funds are available.



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