



# REPORT TO COUNCIL

## City of Sacramento

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www.CityofSacramento.org

# 16

STAFF REPORT  
February 3, 2009

Honorable Mayor and  
Members of the City Council

**Title:** Workshop: (Report Back on Charter Reform and City Governance Structures)

**Location/Council District:** City-wide

**Recommendation:** Receive report and discuss at workshop, provide staff direction on further fact-finding, analysis and action.

**Contact:** Eileen M. Teichert, City Attorney (916) 808-5346  
Shirley Concolino, City Clerk (916) 808-5442

**Presenters:** Eileen M. Teichert, City Attorney (916) 808-5346  
Shirley Concolino, City Clerk (916) 808-5442

**Department:** City Attorney's Office, Org # 09300  
City Clerk's Office, Org # 09400

**Division:** N/A

**Organization No:** 09300 and 09400

### Description/Analysis

**Issue:** This is the report for the workshop requested by Council Member Kevin McCarty January 6, 2009, regarding the Strong Mayor Charter Amendment Initiative proposed by Thomas Hiltachk. The workshop report includes: 1) a summary of the history of City of Sacramento Charter changes over the last 100 years; 2) a comparative analysis of the proposed Strong Mayor Charter Amendment Initiative provisions with the provisions in the charters of the ten largest California cities; 3) the processes used by the ten largest California cities in changing their charters; and 4) the legal means by which the City may

change its Charter. The City Clerk was to prepare item one with the remainder to be prepared by the City Attorney. At the request of Council Member Cohn, four non-California cities are also included in report items two and three.

The requested report back did not reference the proposed ordinance initiative entitled "Independent Budget Analyst" submitted by Mr. Hiltachk concurrently with the proposed Strong Mayor Charter Amendment Initiative. Therefore, this report back does not address the Independent Budget Analyst.

**Policy Considerations:** This report requests no action and therefore has no fiscal impact.

**Environmental Considerations:** This report has no environmental impact.

**Background:** See Attachment 1

**California Environmental Quality Act (CEQA):**

Under the California Environmental Quality Act (CEQA) guidelines, continuing administrative activities do not constitute a project and are therefore exempt from review. Or:

**Sustainability Considerations:**

**Other:**

**Commission/Committee Action:**

**Rationale for Recommendation:**

**Financial Considerations:**

**Emerging Small Business Development (ESBD):**

Respectfully Submitted by:



Eileen M. Teichert, City Attorney



Respectfully Submitted by:



Shirley Concolino, City Clerk

Recommendation Approved:

  
Ray Kerridge  
City Manager

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## **ATTACHMENT 1: BACKGROUND**

### **PROPOSED STRONG MAYOR CHARTER AMENDMENT INITIATIVE**

On December 12, 2008, attorney Thomas Hiltachk submitted to the City Clerk a proposed Strong Mayor Charter Amendment Initiative entitled "Government Accountability and Charter Reform Measure of 2009" and a Notice of Intent to Circulate Petition. Mr. Hiltachk requested the proposed Strong Mayor Charter Amendment Initiative be sent to the City Attorney for preparation of a ballot title and summary. In fulfillment of her statutory duty the City Attorney prepared and provided to Mr. Hiltachk the title and summary on December 29, 2008. The title and summary are required to be placed at the top of each signed petition. The Strong Mayor Charter Amendment Initiative proponent, Mr. Hiltachk, accepted the title and summary and began collecting signatures on the petitions.

In order for an initiative to qualify for placement on an election ballot the proponent must timely submit the requisite number of verified signatures of City of Sacramento registered voters on the petitions. The City Clerk informed Mr. Hiltachk that to qualify the proposed Charter Amendment Initiative for the ballot there must be verified signatures of 15% of registered voters in the City, and that at for the last City election there were 216,200 registered voters in the City. The proponent has 180 days from December 29, 2008, to submit the signed petitions to the City. On January 28, the proponent stated he would submit the signed petitions at a later date. If sufficient signatures are verified after the petitions are submitted timely to the City Clerk, the proposed Strong Mayor Charter Amendment Initiative will be submitted to the City voters at an election on a date to be determined by the City Council.

### **STRONG MAYOR INITIATIVE: A COMPARISON AND ANALYSIS REPORT**

At the January 6, 2009, City Council meeting, several Council members indicated they had received numerous constituent inquiries regarding the merits or lack of merits of the proposed Strong Mayor Charter Amendment Initiative. In addition to other related requests by the Council members, Council member McCarty requested this workshop and report to aid the Council in formulating their assessments of the proposed Strong Mayor Charter Amendment Initiative and in recommending the legal means by which any needed revisions to the current City charter could be made.

The attached report entitled "Strong Mayor Initiative: A Comparison and Analysis" includes a fact-based comparison and analysis of the Strong Mayor Charter Amendment Initiative and as requested by Council member McCarty encompasses the following:

- 1) A comparison of the proposed Strong Mayor Charter Amendment Initiative provisions with the provisions in the charters of the ten most populous California cities;
- 2) The legal means by which the ten most populous California cities revised and adopted their charters and charter amendments; and
- 3) The legal means by which the City may revise and adopt Charter amendments.

The history of City of Sacramento charter changes over the last 100 years has been prepared by City Clerk Shirley Concolino as a separate report entitled "Sacramento Charter History".

**The ten most populous California cities are:**

<u>City</u>	<u>Population</u> (2008 DOF Est.)	<u>Form of Governance</u>
Los Angeles	4,045,873	Mayor-Council
San Diego	1,336,865	Mayor-Council
San Jose	989,496	Council-Manager
San Francisco	824,525	Mayor-Council
Long Beach	492,642	Mayor-Council
Fresno	486,171	Mayor-Council
Sacramento	475,743	Council-Manager
Oakland	420,183	Mayor-Council
Santa Ana	353,184	Council-Manager
Anaheim	346,823	Council-Manager

At the request of Council member Cohn, four non-California cities are also included in report-back items two and three regarding the substance of their charter/governance provisions and methods by which their forms of governance were selected. Council member Cohn described these four non-California cities as cities that City leadership looks to for best practices at various times.

<u>City</u>	<u>Population</u> (2007 U.S. Census est.)	<u>Form of Governance</u>
Phoenix	1,552,259	Council-Manager
Seattle	594,210	Mayor-Council
Denver	588,349	Mayor-Council
Portland	550,396	Commission

The only document on the proposed Strong Mayor Initiative previously prepared by the City Attorney was the ballot title and summary for inclusion on the initiative petition. By law, the ballot title and summary were not to include any comparisons or analyses, but merely to include a factual recitation of what is included in the language of the proposed initiative. The attached report details the City Attorney's previously unstated comparisons and analyses of the proposed Strong Mayor Initiative.

The report includes a few conclusions by the City Attorney on legal issues arising out of the proposed Charter Amendment Initiative, but appropriately leaves the conclusions on policy issues to the policy makers—the City Council.

This report does not attempt to answer the question whether the City of Sacramento needs a strong mayor form of government, but rather to help answer some questions about the strong mayor form of government proposed by the initiative.

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## ATTACHMENT 2:

### SACRAMENTO CHARTER HISTORY

#### What is the History of Sacramento's Governmental Structure?

**Common Council** - In July of 1849 nine councilmen were elected as the first governing body of Sacramento. The first order of business was the preparation of a constitution for local government. In October of 1849 an election was held to adopt the first Charter. After the election, city official discovered that two conflicting versions of the Charter were submitted to the State Legislature for adoption. A legislative committee settled the matter by combining the versions into one document. In April of 1850 an election was held at which time a mayor, recorder, marshal, assessor and nine councilmen were elected.

**Consolidated City/County Board of Trustees** - The second form of city government was adopted in 1858 and was a consolidated city and county structure with powers vested in a board of supervisors, one from each of the eight districts. This structure also included as trustees a judge, sheriff, county clerk, treasurer, assessor, auditor, surveyor, superintendent of public instruction, public administrator, district attorney and coroner.

**Board of Three Trustees** – By vote of the people in 1863, the consolidated form of government was dissolved. The third form of city government vested the power in a board of three trustees (ex-officio mayor, street commissioner and superintendent of the city water works). This structure also included an auditor, assessor, collector, police judge, chief of police and such officers to be appointed by the board.

**Mayor-Trustee System** – In 1894, the fourth form of government was instituted under a freeholder's charter. This form consisted of a mayor and nine trustees, with the office of mayor being elected.

**City Commission** – In 1912, a new charter was adopted calling for a city commission form of government. This form consisted of five commissioners with one member chosen as president. After eight years the system was found ineffective.

**Council-Manager System** – in 1921, the present system was instituted which established a nine-member governing body composed of a mayor and eight councilmembers. The charter established this group as the "city council" with the city manager as the chief executive officer of the city who shall be responsible for the effective administration of the city government.

#### What is the History of Amendments to the Current City Charter?

- First modern charter establishing the City Council-Manager form of government was voted on in 1920.
- Fifty-four elections were held between 1933 and 2002 to modify various charter sections.

- Since 1987, nine charter amendments were voted on. Eight passed and one failed.
- One amendment was by initiative petition (binding arbitration for police).

### What is the History of Charter Commissions?

**Common Council System** – In 1849, a miscellaneous committee was formed to review the issue entitled “Constitution City Government.” Two officials were appointed.

**Mayor-Trustee System** – In 1898, a miscellaneous committee was formed to review the issue entitled “Amend City Charter.” Action was taken to “appoint” individuals without reference to who was appointed.

**Council-Manager System** – From the 1920s through the late 1970s, records reflect that a standing Charter Amendment Committee of Councilmembers was actively utilized. Groups entitled the “Charter League” and the “American Legion” presented the Charter Amendment Committee with various issues for charter changes. The Charter Amendment Committee lasted until 1977 or 1978 when records indicate that appointments to this Committee were no longer made. In 1979 and 1980, review of charter amendments were brought before the Personnel and Public Employees and/or the Law and Legislation Committee for review.

In 1988 the Local Government Reorganization Commission (LGRC) was formed to explore possibilities for more efficient delivery of local government (merged city-county government). The LGRC recommended a study (estimated at \$1,000,000) to identify potential efficiencies through the establishment of a charter commission. In August of 1988, the city council formed a 15 member Sacramento Ad Hoc Charter Commission in collaboration with the board of supervisors. Ten members were appointed by the board of supervisors and five members by the city council. Funding for the commission was paid by Sacramento Metropolitan Cable TV Commission. The charter commission was dissolved by council in October 1990 after a two year process. The election to merge city/county government was held in November 1990. The measure failed.

After 1990 there is no record of a charter commission created by act of the city council.

Since 1990 four charter amendments were called to the ballot: 1) binding arbitration for police in 1996 (initiative petition); 2) binding arbitration for fire (council initiated) in 1998; 3) Sacramento City Employees Retirement System changes (council initiated) in early 2002; and 4) full time mayor (started as initiative petition, and ultimately council initiated) in late 2002.

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## Strong Mayor Initiative: A Comparison and Analysis

To Be Delivered  
as soon as it is available.