

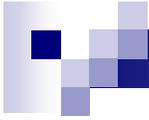
# Strong Mayor Initiative – A Comparison and Analysis

## PRESENTER

Eileen Teichert, City Attorney

February 3, 2009





# CHAPTER ONE: FORMS OF GOVERNANCE



**Table 1**  
**TOP TEN CALIFORNIA CITIES**

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

<sup>[1]</sup> The City of Los Angeles could be more accurately categorized as operating under a Mayor-Council-Commission form of governance.



**Table 2**  
**FOUR NATIONAL CITIES**

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



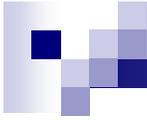
**Table 3**

**Comparison of Governance Structures by City Population<sup>[1]</sup>**

<b>Population (# of cities)</b>	<b>Mayor-Council (Percent)</b>	<b>Mayor-Council w/ Administrator (Percent)</b>	<b>Council-Manager (Percent)</b>
10,000-24,999 (1470)	23.1	22.0	54.9
25,000-49,999 (670)	22.7	13.9	63.4
50,000-99,999 (365)	21.6	11.2	67.1
100,000-249,999 (172)	18.6	13.4	68.0
250,000-500,000 (38)	13.2	36.8	50.0
500,000-1,000,000 (23)	34.8	30.4	34.8
>1,000,000 (9)	11.1	55.6	33.3



<sup>[1]</sup> Source: James H. Svara, "Are Elected Executives Needed to Achieve Accountability to Citizens? Performance Issues and Form of Government in Large U.S. Cities" (2006) using 2005 population estimates.



## **CHAPTER TWO:**

# **INITIATIVE COMPARISON WITH TOP TEN CALIFORNIA CITIES & FOUR NATIONAL CITIES**



**Table 4**  
**BUDGET RESPONSIBILITY**

**Top Ten California Cities - Does Mayor have responsibility to prepare City Budget?**

City	Yes	No
<b>Los Angeles</b>	X	
<b>San Diego</b>	X	
San Jose		X <sup>[1]</sup>
<b>San Francisco</b>	X	
Long Beach		X
<b>Fresno</b>	X	
Sacramento – Current		X
<b>Oakland</b>		X <sup>[2]</sup>
Santa Ana		X
Anaheim		X
<b>Sacramento – Proposed</b>	X	

<sup>[1]</sup> Technically, the city manager prepares the budget, but it must be consistent with the mayor’s budget message as adopted by council (which has full authority to modify the mayor’s budget message).

<sup>[2]</sup> The mayor is responsible for presenting the budget to council, but the budget is prepared by the City Administrator “under the direction of the Mayor and Council.”



**Table 6  
BUDGET RESPONSIBILITY**

**Four National Cities - Does Mayor have responsibility to prepare City Budget?**

City	Yes	No
Phoenix		X
<b>Denver</b>	X	
<b>Seattle</b>	X	
Portland	X <sup>[1]</sup>	
<b>Sacramento – Proposed</b>	X	

<sup>[1]</sup> The mayor and each commissioner are assigned departments by the mayor. The charter does not specifically delegate to the mayor budgetary responsibility, but currently, and historically, the mayor has been the Commissioner in Charge of the department responsible for the budget.



**Table 5**  
**PRIMACY OF MAYOR'S BUDGET**

**Top Ten California Cities - Is mayor's proposed budget automatically effective if council fails to approve or override the mayor's proposed budget by beginning of fiscal year?**

City	Yes	No
<b>Los Angeles</b>	X	
<b>San Diego</b>		X
San Jose		X
<b>San Francisco</b>		X
Long Beach		X <sup>[1]</sup>
<b>Fresno</b>		X
Sacramento – Current		X
<b>Oakland</b>		X
Santa Ana		X
Anaheim		X
<b>Sacramento – Proposed</b>	X	

<sup>[1]</sup> The city manager, not the mayor, proposes the Long Beach budget. However, the city manager's proposed budget is deemed the budget if the council fails to pass an appropriations ordinance by the end of the fiscal year.



**Table 7**  
**PRIMACY OF MAYOR'S BUDGET**

**Four National Cities - Is mayor's proposed budget automatically effective if council fails to approve or override the mayor's proposed budget by beginning of fiscal year?**

City	Yes	No
Phoenix		X
<b>Denver</b>	X	
<b>Seattle</b>		X
Portland		X
<b>Sacramento – Proposed</b>	X	



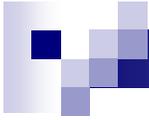
**Table 8**  
**SELECTION AND REMOVAL OF CITY MANAGER<sup>[1]</sup>**

**Top Ten California Cities - Does mayor appoint/remove city manager?**

City	Yes	No
<b>Los Angeles</b>	--	--
<b>San Diego</b>	X	
San Jose		X
<b>San Francisco</b>	X	
Long Beach		X
<b>Fresno</b>	X	
Sacramento – Current		X
<b>Oakland</b>	X	
Santa Ana		X
Anaheim		X
<b>Sacramento – Proposed</b>	X	

<sup>[1]</sup> Except for Fresno, all city manager appointments by mayor require council confirmation. In San Francisco, the city administrator's term of office is five years, but may be removed by the mayor subject to approval of the Board of Supervisors





**Table 13**  
**SELECTION AND REMOVAL OF CITY MANAGER**

**Four National Cities - Does mayor appoint/remove city manager?**

City	Yes	No
Phoenix		X
<b>Denver</b>	--	--
<b>Seattle</b>	--	--
Portland	--	--
<b>Sacramento – Proposed</b>	X	



**Table 9**  
**SELECTION AND REMOVAL OF CITY TREASURER<sup>[1]</sup>**

**Top Ten California Cities - Does mayor appoint/remove city treasurer?**

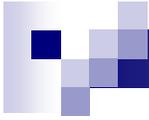
City	Yes	No
<b>Los Angeles</b>	X <sup>[2]</sup>	
<b>San Diego</b>	X	
San Jose		X
<b>San Francisco</b>		X
Long Beach		X
<b>Fresno</b>		X
Sacramento – Current		X
<b>Oakland</b>		X
Santa Ana		X
Anaheim		X
<b>Sacramento – Proposed</b>	X <sup>[3]</sup>	

<sup>[1]</sup> Includes other similar officers, such as Director of Finance (Santa Ana, Anaheim), Auditor (San Jose, Oakland, Long Beach), or Controller (Fresno), if Treasurer is not an identified charter officer.

<sup>[2]</sup> Council must approve appointment and removal.

<sup>[3]</sup> Council has opportunity to reject appointment within thirty days, otherwise appointment is deemed approved. Removal is at Mayor's sole discretion.





**Table 14**  
**SELECTION AND REMOVAL OF CITY TREASURER**

**Four National Cities - Does mayor appoint/remove city treasurer?**

<b>City</b>	<b>Yes</b>	<b>No</b>
Phoenix	--	--
<b>Denver</b>		X
<b>Seattle</b>	X	
Portland	--	--
<b>Sacramento – Proposed</b>	X	



**Table 10**  
**SELECTION AND REMOVAL OF CITY CLERK**

**Top Ten California Cities - Does mayor appoint/remove city clerk?**

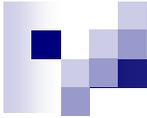
City	Yes	No
<b>Los Angeles</b>	X <sup>[1]</sup>	
<b>San Diego</b>		X
San Jose		X
<b>San Francisco</b>		X
Long Beach		X
<b>Fresno</b>		X
Sacramento – Current		X
<b>Oakland</b>		X
Santa Ana		X <sup>[2]</sup>
Anaheim		X
<b>Sacramento – Proposed</b>	X <sup>[3]</sup>	

<sup>[1]</sup> Council must approve appointment and removal.

<sup>[2]</sup> Removal requires 2/3 council vote.

<sup>[3]</sup> Council has opportunity to reject appointment within thirty days, otherwise appointment is deemed approved. Removal is at Mayor’s sole discretion.





**Table 15**  
**SELECTION AND REMOVAL OF CITY CLERK**

**Four National Cities - Does mayor appoint/remove city clerk?**

<b>City</b>	<b>Yes</b>	<b>No</b>
Phoenix		X
<b>Denver</b>		X
<b>Seattle</b>		X
Portland		X
<b>Sacramento – Proposed</b>	X	



**Table 11**  
**SELECTION AND REMOVAL OF CITY ATTORNEY**

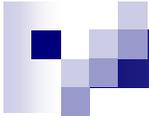
**Top Ten California Cities - Does mayor appoint/remove city attorney?**

City	Yes	No
<b>Los Angeles</b>		X
<b>San Diego</b>		X
San Jose		X
<b>San Francisco</b>		X
Long Beach		X
<b>Fresno</b>		X
Sacramento – Current		X
<b>Oakland</b>		X
Santa Ana		X <sup>[1]</sup>
Anaheim		X
<b>Sacramento – Proposed</b>	X <sup>[2]</sup>	

<sup>[1]</sup> Two-thirds council vote required for removal.

<sup>[2]</sup> Council has opportunity to reject appointment within thirty days, otherwise appointment is deemed approved. Removal is at Mayor’s sole discretion.



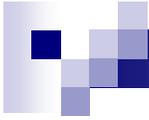


**Table 16**  
**SELECTION AND REMOVAL OF CITY ATTORNEY**

**Four National Cities - Does mayor appoint/remove city attorney?**

<b>City</b>	<b>Yes</b>	<b>No</b>
Phoenix		X
<b>Denver</b>	X	
<b>Seattle</b>		X
Portland		X
<b>Sacramento – Proposed</b>	X	





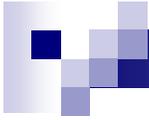
**Table 12**  
**MAYORAL APPOINTMENTS DEEMED CONFIRMED**

**Top Ten California Cities - Are mayor's appointees deemed confirmed if council fails to take action in a specified time?**

City	Yes	No
<b>Los Angeles</b>		X
<b>San Diego</b>		X
San Jose		X
<b>San Francisco</b>		X
Long Beach		X
<b>Fresno</b>	X <sup>[1]</sup>	
Sacramento – Current		X
<b>Oakland</b>		X
Santa Ana		X
Anaheim		X
<b>Sacramento – Proposed</b>	X	

<sup>[1]</sup> Council confirmation is not necessary for Fresno's Chief Administrative Officer (i.e., city manager).



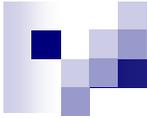


**Table 17**  
**MAYORAL APPOINTMENTS DEEMED CONFIRMED**

**Four National Cities - Are mayor's appointees deemed confirmed if council fails to take action in a specified time?**

<b>City</b>	<b>Yes</b>	<b>No</b>
Phoenix	--	--
<b>Denver</b>		X
<b>Seattle</b>		X
Portland		X
<b>Sacramento – Proposed</b>	X	





**Table 18**  
**SELECTION AND REMOVAL OF SUBORDINATE CITY STAFF**

**Top Ten California Cities - Does mayor appoint/remove subordinate City staff?**

City	Yes	No
<b>Los Angeles</b>		X
<b>San Diego</b>		X
San Jose		X
<b>San Francisco</b>		X
Long Beach		X
<b>Fresno</b>		X
<b>Oakland</b>		X
Santa Ana		X
Anaheim		X
<b>Sacramento – Proposed</b>	X	



**Table 20**  
**SELECTION AND REMOVAL OF SUBORDINATE STAFF**

**Four National Cities - Does mayor appoint/remove subordinate staff?**

City	Yes	No
Phoenix		X
<b>Denver</b>		X
<b>Seattle</b>		X
Portland		X
<b>Sacramento – Proposed</b>	X	



**Table 19**  
**SELECTION AND REMOVAL OF DEPARTMENT HEADS**

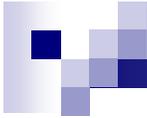
**Top Ten California Cities - Does mayor appoint/remove department heads?**

City	Yes	No
<b>Los Angeles</b>	X <sup>[1]</sup>	
<b>San Diego</b>	X	
San Jose		X
<b>San Francisco</b>		X <sup>[2]</sup>
Long Beach		X
<b>Fresno</b>		X
<b>Oakland</b>		X
Santa Ana		X
Anaheim		X
<b>Sacramento – Proposed</b>	X	

<sup>[1]</sup> Department heads (known as “chief administrative officers”) may appeal removal to the city council, which may reinstate that person by a two-thirds vote.

<sup>[2]</sup> Department heads are appointed by the city manager with the concurrence of the mayor.





**Table 21**  
**SELECTION AND REMOVAL OF DEPARTMENT HEADS**

**Four National Cities - Does mayor appoint/remove department heads?**

<b>City</b>	<b>Yes</b>	<b>No</b>
Phoenix		X
<b>Denver</b>	X	
<b>Seattle</b>	X	
Portland		X
<b>Sacramento – Proposed</b>	X	



**Table 22**  
**MAYORAL VOTING POWER**

**Top Ten California Cities - Does the mayor vote?**

City	Yes	No
<b>Los Angeles</b>		X
<b>San Diego</b>		X
San Jose	X	
<b>San Francisco</b>		X
Long Beach		X
<b>Fresno</b>		X
<b>Oakland</b>	X <sup>[1]</sup>	X
Santa Ana	X	
Anaheim	X	
<b>Sacramento – Proposed</b>	X <sup>[2]</sup>	

<sup>[1]</sup> The mayor only has a vote on council “if the councilmembers are evenly divided.” Otherwise it is specified that the mayor has no vote.

<sup>[2]</sup> Mayor has voting powers until the Ninth District is created in approximately 2011-2012.



**Table 24**  
**MAYORAL VOTING POWER**

**Four National Cities - Does the mayor vote?**

City	Yes	No
Phoenix	X	
<b>Denver</b>		X
<b>Seattle</b>		X
Portland	X	
<b>Sacramento – Proposed</b>	X <sup>[1]</sup>	

<sup>[1]</sup> Mayor has voting powers until the Ninth District is created in approximately 2011-2012.



**Table 23**  
**MAYORAL VETO POWER**

**Top Ten California Cities - Does mayor have power to both vote and veto?**

City	Yes	No
<b>Los Angeles</b>		X
<b>San Diego</b>		X
San Jose		X
<b>San Francisco</b>		X
Long Beach		X
<b>Fresno</b>		X
<b>Oakland</b>		X
Santa Ana		X
Anaheim		X
<b>Sacramento – Proposed</b>	X <sup>[1]</sup>	

<sup>[1]</sup> Mayor has three powers: to vote, to veto and to vote not to override veto, until the Ninth District is created in approximately 2011-2012. Thereafter, Mayor retains veto powers.



**Table 25**  
**MAYORAL VETO POWER**

**Four National Cities - Does mayor have power to both vote and veto?**

City	Yes	No
Phoenix		X
<b>Denver</b>		X
<b>Seattle</b>		X
Portland		X
<b>Sacramento – Proposed</b>	X <sup>[1]</sup>	

<sup>[1]</sup> Mayor has all three powers, to vote, to veto and to vote not to override veto, until the Ninth District is created in approximately 2011-2012. Thereafter, Mayor retains veto powers.

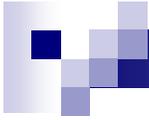


**Table 26**  
**COUNCIL PRESIDENT**

**Top Ten California Cities - Does the charter provide for a council president?**

City	Yes	No
<b>Los Angeles</b>	X	
<b>San Diego</b>	X	
San Jose		X
<b>San Francisco</b>	X	
Long Beach		X
<b>Fresno</b>	X	
Sacramento – Current		X
<b>Oakland</b>		X
Santa Ana		X
Anaheim		X
<b>Sacramento – Proposed</b>	X	



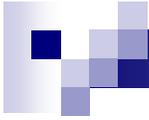


**Table 27**

**Four National Cities - Does the charter provide for a council president?**

<b>City</b>	<b>Yes</b>	<b>No</b>
Phoenix		X
<b>Seattle</b>	X	
<b>Denver</b>	X	
Portland		X





# **CHAPTER THREE: THE RESIDUAL POWERS AND LIMITS**

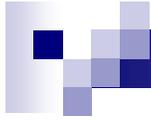


**Table 28**  
**CITY COUNCIL'S RESIDUAL POWERS**

**Top Ten California Cities - Does city council retain all residual powers?**

City	Yes	No
<b>Los Angeles</b>		X
<b>San Diego</b>		X
San Jose	X	
<b>San Francisco</b>	X	
Long Beach	X	
<b>Fresno</b>	X	
Sacramento – Current	X	
<b>Oakland</b>	?	?
Santa Ana	X	
Anaheim	X	
<b>Sacramento – Proposed</b>	?	?





**Table 29**  
**CITY COUNCIL'S RESIDUAL POWERS**

**Four National Cities - Does city council retain all residual powers?**

<b>City</b>	<b>Yes</b>	<b>No</b>
Phoenix	X	
<b>Denver</b>		X
<b>Seattle</b>		X
Portland	X	
<b>Sacramento – Proposed</b>	?	?



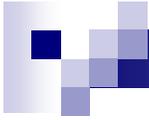
**Table 30**  
**CONTRACTING AUTHORITY**

**Top Ten California Cities - Do city manager's enumerated powers include entering into contracts solely upon mayor's authorization?**

City	Yes	No
<b>Los Angeles</b>	--	--
<b>San Diego</b>		X
San Jose		X
<b>San Francisco</b>		X <sup>[1]</sup>
Long Beach		X
<b>Fresno</b>		X
Sacramento – Current		X
<b>Oakland</b>		X
Santa Ana		X
Anaheim		X
<b>Sacramento – Proposed</b>	?	?

<sup>[1]</sup> The City Administrator is given power to award contracts “without interference from the Mayor or Board of Supervisors.”



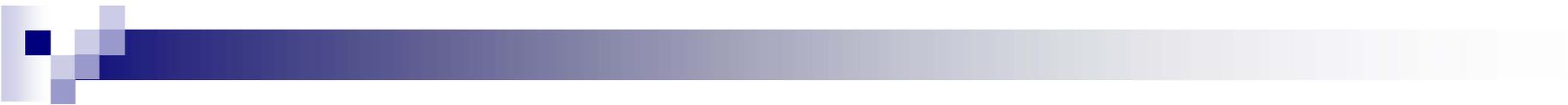


**Table 31**  
**CONTRACTING AUTHORITY**

**Four National Cities - Do city manager's enumerated powers include entering into contracts solely upon mayor's authorization?**

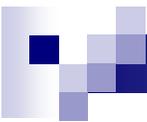
<b>City</b>	<b>Yes</b>	<b>No</b>
Phoenix		X
<b>Denver</b>	--	--
<b>Seattle</b>	--	--
Portland	--	--
<b>Sacramento – Proposed</b>	?	?





# POWERS OVER LEGAL ISSUES

- Initiative's failure to address "residual powers" creates uncertainty regarding mayoral: participation in closed sessions; power to settle or institute litigation; and authority to file *amicus curiae* support



# SERVICE ON JPA & REGIONAL ORGANIZATION BOARDS?

- Mayor would no longer be a member of City Council
- Mayor would not serve on boards of RDA, HA, Financing Authority comprised of City Council
- JPA & Regional Organizations that require board members to be members of “legislative” or “governing” body would exclude Mayor’s participation

**Table 32  
TERM LIMITS**

**Top Ten California Cities - Does charter establish term limits for mayor?**

City	Yes	No
<b>Los Angeles</b>	X	
<b>San Diego</b>	X	
San Jose	X	
<b>San Francisco</b>	X	
Long Beach		X <sup>[1]</sup>
<b>Fresno</b>	X	
Sacramento--Current		X
<b>Oakland</b>	X	
Santa Ana		X
Anaheim		X
<b>Sacramento – Proposed</b>		X

<sup>[1]</sup> Long Beach’s charter does not provide a legal term limit, but a practical one: the clerk is prohibited from accepting nomination papers from any person who has served two terms as mayor, and is prohibited from placing that person’s name on the ballot. However, the person may become mayor through write-in ballots.

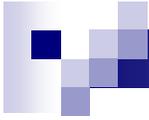


**Table 33**  
**TERM LIMITS**

**Four National Cities - Does charter establish term limits for mayor?**

City	Yes	No
Phoenix	X	
<b>Seattle</b>		X
<b>Denver</b>	X	
Portland		X





## **CHAPTER FOUR:**

# **CHARTER HISTORIES FOR TOP TEN CALIFORNIA CITIES & FOUR NATIONAL CITIES**



**Table 34**  
**CHARTER AMENDMENT PROCESS<sup>[1]</sup>**

**Top Ten California Cities - Was strong mayor charter amendment proposal drafted by a charter reform commission?**

City	Yes	No
<b>Los Angeles</b>	X <sup>[2]</sup>	
<b>San Diego</b>		X
<b>San Francisco</b>	X	
<b>Fresno</b>	X	
<b>Oakland</b>		X
<b>Sacramento – Proposed</b>		X

<sup>[1]</sup> Includes only those Top Ten California Cities that have adopted or modified the “strong mayor” system.

<sup>[2]</sup> Los Angeles had two commissions – one elected and one appointed – acting simultaneously. The proposal submitted to the voters was a compromise approved by both commissions.



**Table 35**  
**EFFECTIVE DATE OF CHANGES <sup>[1]</sup>**

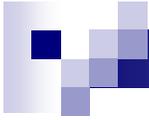
**Top Ten California Cities - Did strong mayor charter amendment take effect immediately?**

City	Yes	No
<b>Los Angeles</b>		X
<b>San Diego</b>		X
<b>San Francisco</b>		X
<b>Fresno</b>		X
<b>Oakland</b>	X <sup>[2]</sup>	
<b>Sacramento – Proposed</b>	X	

<sup>[1]</sup> For Top Ten California Cities that have adopted or modified the “strong mayor” system.

<sup>[2]</sup> Simultaneous with the election of the new mayor





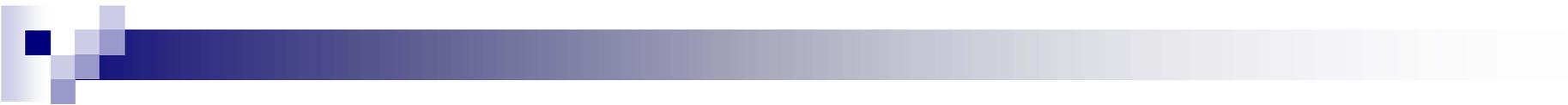
# **CHAPTER FIVE: LEGAL MECHANISMS FOR CHARTER CHANGES**





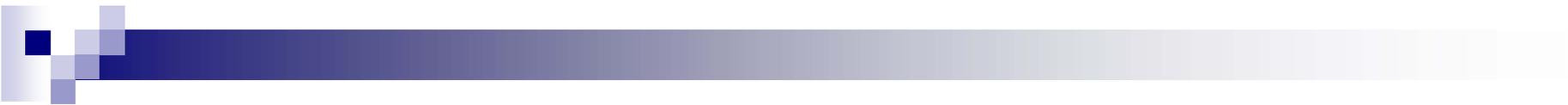
# LEGAL MECHANISMS FOR CHARTER CHANGES

- Charter Commission
- Initiative
- City Council Measure



# SUMMARY

- One-half of the comparison cities have Mayor-Council form of governance
- The remainder have Council-Manager form—except Portland.
- Portland has commission run city.



# SIMILARITIES

- Mayor is CEO
- City Council's role is legislative and quasi-judicial branch of City
- Mayor has power to prepare and present budget
- Mayor has power to appoint City Manager, subject to Council concurrence
- Council President position created
- Mayoral veto with Council override



# DIFFERENCES

- Mayoral budgetary powers exceed other all other cities except Los Angeles— default adoption by fiscal year end
- Mayoral powers of appointment, discipline & removal of subordinate staff not found in any other city
- Mayoral appointments deemed approved within thirty days



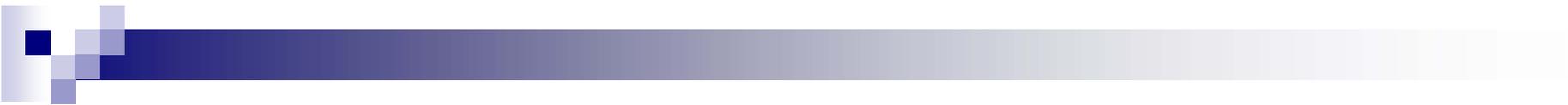
# DIFFERENCES

- Service of City Treasurer, Clerk & Attorney at pleasure of Mayor eliminates important checks & balances found in other cities' charters
- Mayoral power to vote, veto & vote to not override veto unparalleled in other charters
- Residual powers not addressed, unlike most cities



# DIFFERENCES

- No term limits like all other strong mayor cities
- Measure effective immediately, conferring strong mayor powers on incumbent
- No Charter Review Commission process as in most cities, so no legislative history



# CONCLUSION

- Report provides facts on similarities & differences with other comparison cities' charters to help policy makers decide if this particular strong mayor initiative is right for Sacramento
- If Council is interested in strong mayor governance for Sacramento – Charter Review Commission recommended