



# REPORT TO COUNCIL

## City of Sacramento

915 I Street, Sacramento, CA 95814-2604  
www. CityofSacramento.org

Staff Report

Date: August 25, 2009

Honorable Mayor and  
Members of the City Council

**Title:** Sacramento Charter Review Committee – Revised Scope and Timeline

**Location/Council District:** Citywide

**Recommendation:** Repeal Resolution 2009-095 and adopt a one of the alternative new and restated Resolutions setting a revised scope of work and timeline for the 2009 Sacramento Charter Review Committee.

**Contact:** Eileen Teichert, City Attorney

Matthew Ruyak, Supervising Deputy City Attorney, 808-3546

**Presenters:** Matthew Ruyak

**Department:** City Attorney's Office

**Division:** N/A

**Organization #:** 03001011

### Description/Analysis

#### Issue:

On February 17, 2009, the Council adopted Resolution 2009-095, creating the 2009 Sacramento Charter Review Committee ("SCRC"), for the purpose of having representatives of the City's citizenry review the Sacramento City Charter and make recommendations to the Council regarding Charter changes needed. On August 6, 2009, the Council directed staff to return with a revised scope of work and timeline for the SCRC, in light of Council's decision to place a qualified Charter amendment initiative on the June 8, 2010, ballot.

**Policy Considerations:** The SCRC is addressing the structure and function of City government. The proposed alternative resolutions seek to assist Council by affording sufficient time for consideration of the SCRC's recommendations.

**Environmental Considerations:** None.

**Commission/Committee Action:** Not Applicable.



**Rationale for Recommendation:** The recommendations set forth herein are premised upon Council's receipt of the SCRC's recommendations by a date that provides adequate time for Council deliberation, community input, staff preparation, and legal deadlines, prior to placement of a potential Charter amendment measure on the June 8, 2010, ballot.

**Financial Considerations:** There are no significant financial considerations associated with a revised scope or timeline for the SCRC.

**Emerging Small Business Development (ESBD):** Not Applicable.

Respectfully Submitted by:   
Matthew D. Ruyak,  
Supervising Deputy City Attorney

Recommendation Approved:

  
Eileen M. Teichert, City Attorney

**Table of Contents:**

Report	pg. 1
<b>Attachments</b>	
1 Background	pg. 3
2 Alternative Resolution #1	pg. 9
3 Alternative Resolution #2	pg. 12
4 Resolution 2009-095	pg. 16

**Attachment 1****Background****A. The Scope and Timetable Set by Resolution 2009-095**

On February 17, 2009, the Council adopted Resolution 2009-095, creating the 2009 Sacramento Charter Review Committee ("SCRC"), for the purpose of having representatives of the City's citizenry review the Sacramento City Charter and make recommendations to the Council regarding Charter changes needed. Resolution 2009-095 directs the SCRC to provide a written report of preliminary recommendations to the Council on or before December 15, 2009, with a written report of final recommendations to the Council on or before January 26, 2010.

Section 5 of Resolution 2009-095 charged the SCRC as follows:

The Sacramento City Charter should be reviewed in its entirety, with openness to input from all citizens. However, the following issues should be given particular consideration and shall be addressed in the final report to City Council:

- (1) The City's governance structure: Mayor-Council versus Council-Manager, and the issues related thereto;
- (2) The delegation and/or reservation of City powers;
- (3) Appointment and removal of City officers and employees;
- (4) The City budget process;
- (5) Green waste disposal;
- (6) Full-time status for Council members and issues related to full-time status for Mayor and Council;
- (7) Term limits;
- (8) Ethics commission;
- (9) Primary/General election scheduling and instant run-off elections; and
- (10) Other issues as indicated by the City Council.

**B. City Election Schedule for June 2010 Ballot**

On August 6, 2009, the Council decided to submit to the voters the self-titled "Government Accountability and Charter Reform Measure of 2009" initiative measure (commonly referred to as the "Charter amendment initiative" or "Strong Mayor Initiative") at the next regular city election – June 8, 2010. The Council simultaneously directed staff to return with a revised scope of work and timeline for the SCRC, in light of Council's decision to place that initiative measure on the June 8, 2010, ballot. It also requested a schedule of relevant dates leading to the June 8, 2010, election.

At the August 6 meeting, staff responded to council members' questions about Council's deadlines for the potential placement of other measures on the same ballot

as the Strong Mayor Initiative. Staff responded that state law mandates a minimum 88-day notice for a charter amendment measure to be placed on a ballot. Thus, it was stated that March 12, 2010, was the last legal date Council could act to place a measure on the June 8, 2010, ballot (with Tuesday, March 9, 2010, being the last regular Council date before that deadline).

However, while state law does provide that March 12, 2010, is the last *legal* date the Council could act, other factors set practical constraints upon the timing of Council's actions. The City of Sacramento consolidates its elections with the County of Sacramento, and the Sacramento County Registrar runs those consolidated elections. Preparing for and holding an election is a labor intensive process with practical, as well as legal, deadlines. As an example, time must be afforded for the printing and mailing of ballots and voter information pamphlets. For these reasons, the 88-day minimum is an impractical, if not illusory, deadline. Below is a simplified City Elections Schedule prepared by the City Clerk's Office, based in part upon dates provided by the Sacramento County Registrar of Voters. Due to the County's pre-election process, the Council must approve measure language and ballot question language on or before its Tuesday, February 16, 2010, meeting. That is, Council must approve by that date both the actual text of a proposed Charter amendment, as well as the text of the question put to the voters, i.e., the "yes" or "no" question printed on the ballot.

Deadline	Action Description
12/08/09	Clerk's report to Council adopting resolutions calling, consolidating and requesting election services for June primary and November general elections
02/16/10	Staff's report to Council for approval of ballot measure(s) text and ballot question(s)
02/23/10	Clerk's report to Council adopting resolutions calling measure(s) to the consolidated ballot
02/23/10	Clerk's report to Council adopting resolutions directing the City Attorney to prepare an impartial analysis of measure(s)
02/23/10	Clerk's report to Council adopting resolutions selecting argument authors for and/or against measures
03/01/10	Clerk has "notice of measure" and "argument and rebuttal deadlines" published in Daily Recorder
03/05/10	Direct arguments (for/against) due in the Office of the City Clerk
03/05/10	Attorney's impartial analysis due in the Office of the City Clerk
03/05/10 to 03/15/10	Public Review Period for ballot text, impartial analysis and direct arguments.
03/08/10	Clerk has "notice of measure" and "argument and rebuttal deadlines" published in Daily Recorder
03/15/10	Rebuttal arguments (for/against) due in the Office of the City Clerk
03/15/10 to 03/25/10	Public Review Period for rebuttal arguments

### **C. The SCRC's Progress and Proposed Revised Schedule**

The SCRC's August progress report, presented concurrently with this report, provides a short summary of each SCRC meeting conducted to date. In sum, the SCRC has spent the bulk of its time receiving information on the fundamental governance issues related to Mayor-Council versus Council-Manager structures (including veto, appointment powers, mayoral participation on the council, etc.) and the budget process. It also has had presentations about the elections process. Through its discussions, as well as its newly adopted plan as described below, the SCRC has effectively decided to no longer pursue "green waste" or "other" issues.

The SCRC began its tentative decision making efforts on August 3, 2009, and spent a significant amount of time during its August 17, 2009, meeting discussing governance structure issues.

Also on August 17, 2009, in response to Council's decision of August 6, 2009, the SCRC adopted a new workplan and timeline for itself. As stated in its progress report, the SCRC approved a motion to provide a written report of final recommendations to the City Council on governance, budget, appointment authority, veto and term limits on November 3, 2009, with two supplemental reports – one in December 2009 and one in January 2010 – to address the issues of full time mayor, full time council, ethics commission and the elections process. More specifically, the SCRC's plan is to begin the final decision process at its September 3 meeting, with adoption of final recommendations by October 12, 2009. Then a written report will be prepared, for presentation to Council on November 3, 2009. A first supplemental report with recommendations regarding the issues of full time mayor, full time council, and ethics commission will be presented to City Council on December 1, 2009; and a second supplemental report regarding the elections process – including ranked choice voting, instant run-off voting and proportional representation – will be presented to Council on January 19, 2010. The revised schedule includes a series of proposed community meetings during late September through early October to solicit feedback on the report proposed to be presented in November.

The SCRC's revised workplan and timeline is subject to Council's approval.

### **D. The Proposed Alternative Resolutions**

Attachments 2 and 3 are alternative resolutions for Council's consideration. Both resolutions seek to repeal 2009-095 (but continue the existence of the SCRC), and set a new charge and timeline for the SCRC. The repeal with continuation is done for legislative clarity. For ease of reference and comparison, Resolution 2009-095 is included herewith as Attachment 4.

The proposed alternative resolution included as Attachment 2 presents the most simplified approach to meet the interpreted will of the Council – have the SCRC focus on core governance structure issues only and submit its final recommendations to Council before December 1, 2009. The proposed alternative resolution included as Attachment 3 seeks to meet Council's request for an earlier substantive report on governance issues, while also honoring the workplan and timeline the SCRC has set for itself.

In many respects, the alternative proposed resolutions are identical. The Recitals are identical; Section 1 (repeal), Section 2 (purpose of committee), and Section 4 (appointment and composition) are identical. The differences between them – as well as Resolution 2009-095 – are outlined below.

Progress Reports (Reso. 2009-095, § 3(c)):

Resolution 2009-095: no less than one in June, August, and October

Attachment 2: eliminates the October progress report

Attachment 3: eliminates the October progress report

The value of an October progress report is minimal given Council's new direction and the SCRC's proposed new workplan.

Written Preliminary Recommendations (Reso. 2009-095, §3(d)):

Resolution 2009-095: due on or before December 15, 2009

Attachment 2: eliminated

Attachment 3: eliminated

There no longer appears a need or desire for preliminary recommendations.

Final Recommendations (Reso. 2009-095, § 3(e)):

Resolution 2009-095: due on or before January 26, 2010

Attachment 2: November 3, 2009

Attachment 3: November 3, 2009 (governance structure)

December 1, 2009 (full-time mayor/council; ethics commission)

January 19, 2010 (elections)

The motion passed by Council on August 6, 2009, was that staff return with a revised schedule and direction, via resolution, to give to the SCRC so that the SCRC can provide a final report "before" December 1, 2009. Thus, the proposed provisions differ from the original resolution. November 3, rather than the other Tuesdays in November, is the recommended date for two reasons: first, the SCRC has set that date as its goal for final recommendations on governance structure; second, given a mid-February goal for final Council action, if any, maximum time is needed for Council deliberation, community input, and staff preparation.

The two additional dates in Attachment 3 are dates adopted by the SCRC and are consistent with the meeting schedule it had previously adopted for itself under Resolution 2009-095.

Scope of Work (Reso. 2009-095, § 5(b)):

Resolution 2009-095: 9 specific issues, plus 1 catchall (see Section A, *supra*)

Attachment 2: eliminates 5 issues: green waste disposal; full-time mayor/council; ethics commission; elections; and "other" issues as given by Council

Attachment 3: eliminates as issues green waste disposal and "other" issues; puts work into three phases: (1) governance structure; (2) full-time mayor/council and ethics commission; and (3) elections.

Council's motion of August 6 directed staff to modify the direction to the SCRC. As discussed during the SCRC Chair's report to Council in June, the rationale for elimination of green waste disposal is evident, i.e., the City's green waste disposal program is not found in the Charter. Also, there have been no "other" issues thus far identified by Council, and so the rationale for its elimination also seems evident.

As discussed in Section C, above, the SCRC has mostly considered and discussed the governance structure and budget issues. It has not yet dealt with the ethics commission issue, and a shortened calendar will not allow sufficient time for discussion and deliberation on that issue before a November report date. Thus, it has been eliminated in the proposed resolution in Attachment 2. Additionally, although the committee has received information on elections, the consensus of the members is that much greater inquiry and discussion is needed on that subject before a meaningful recommendation can be provided. As that is not realistic before mid-October, that issue has been eliminated from the Attachment 2 resolution.

While having stated the above, it must be noted that the SCRC, as evidenced by its action on August 17 and the statements of its members during that meeting, wishes to address these issues to the best of its abilities, and not simply cast them aside. So the Attachment 3 resolution, instead of eliminating them, places them in subsequent phases. This is addressed in Section 6 of the Attachment 3 proposed resolution.

Sunset (Reso. 2009-095, § 7):

Resolution 2009-095: final report date or January 26, 2010, whichever is earlier

Attachment 2: final report date or November 10, 2009, whichever is earlier

Attachment 3: final report date or January 26, 2010, whichever is earlier

Once its final report has been submitted, the SCRC's work is finished. For the proposed resolution in Attachment 2, November 10 simply provides a margin of error for final report completion and submittal. The sunset date in Attachment 3 remains unchanged from original resolution, to account for the second supplemental report.

### **E. Recommendation**

It is staff's assessment that the proposed resolution in Attachment 2 is more consistent with Council's discussion and decision on August 6, 2009. That is, it sets a date for the SCRC's final report before December 1, and focuses the SCRC's recommendations on governance structure.

The resolution in Attachment 3 is not necessarily inconsistent with Council's discussion. Like its counterpart, the resolution in Attachment 3 directs the SCRC to provide final recommendations on governance structure issues in November 2009; its second report would be provided by December 1; and its final report would be presented in accordance with the timeline currently set forth in Resolution 2009-095. However, while the December 1 report may allow for some reasonably timely deliberation by Council, the timing of the January report will make it very difficult to incorporate the supplemental report recommendations into proposed Charter amendments.

Assuming Council receives final recommendations on November 3, 2009, there are only 105 days from receipt of the recommendations until the apparent last practical day to approve Charter amendment language, i.e., February 16, 2010. It is worth noting that period spans the 2009/2010 holiday season, which includes Council's winter recess. Further assuming a 4 to 6 week period for the crafting of acceptable language (with time for Council direction and comment), the February 16 deadline effectively mandates drafting begin by early January. Of course, prior to such drafting Council undoubtedly will desire ample contact with the community, and it will need to make definitive substantive policy direction. While some of these processes can occur simultaneously, or in a staggered fashion, time will be a precious commodity indeed.

To maximize flexibility for any potential future decision to send Charter amendments to the voters on June 8, 2010, the Council should adopt a resolution that provides a balance of timeliness and relevant substantive recommendations. Either of the proposed attached resolutions – whether as drafted or as further modified by Council – could provide that to Council. The Attachment 2 resolution does so most directly for the “governance issues;” the Attachment 3 resolution allows for a greater range of potential SCRC recommendations, if Council is willing to stagger the process.

**RESOLUTION NO.**

Adopted by the Sacramento City Council

**Repealing Resolution 2009-095 and Restating and Revising the Charge to the 2009 Sacramento Charter Review Committee**

**BACKGROUND**

- A. On February 17, 2009, the City Council adopted Resolution 2009-095, creating the 2009 Sacramento Charter Review Committee ("SCRC"), for the purpose of having representatives of the City's citizenry review the Sacramento City Charter and make recommendations to the Council regarding Charter changes needed.
- B. Pursuant to Resolution 2009-095, the SCRC was to have submitted a written report of final recommendations in January 2010.
- C. On August 6, 2009, after certifying the requisite number of elector signatures for a proposed Charter amendment initiative, the City Council decided to place the Charter amendment initiative on the June 8, 2010, ballot.
- D. If, after receipt of the SCRC's report, the City Council decides to place a separate Charter amendment measure on the June 8, 2010, ballot, time must be afforded for appropriate public and Council discussion and action.
- E. To provide sufficient time for public and Council input on a possible Charter amendment measure, as well as sufficient time for necessary staff and Council action, the SCRC's scope and timetable must be modified.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

- Section 1. Repeal  
Resolution 2009-095 is hereby repealed; provided, however, that the 2009 Sacramento Charter Review Committee ("SCRC"), as it existed on August 24, 2009, shall continue as provided in this resolution.
- Section 2. Purpose of the Committee  
The SCRC shall be an advisory body to the City Council. The SCRC is established for the purpose of reviewing the City's current Charter and making recommendations to the City Council for amendments thereto.

Section 3. Scope, Charge and Timetable of the Committee

The SCRC is charged as follows:

- (a) To review the Sacramento City Charter and to consider whether the Charter meets the current needs of the City and whether the Charter should be amended to meet the City's needs into the future.
- (b) To hold public meetings pursuant to the Ralph M. Brown Act to achieve its purposes. The SCRC shall adopt its own meeting schedule as necessary to achieve its purposes; provided, however, that it shall meet a minimum of twice per month.
- (c) To make regular progress reports to the City Council during its operation, but no less than one report in each of the months of June and August 2009.
- (d) To present a written report of final recommendations to the City Council on or before November 3, 2009.
- (e) To perform such other duties as the City Council directs by motion or resolution.

Section 4: Appointment and Composition of SCRC

The SCRC shall be organized as follows:

- (a) The SCRC's membership shall be broadly constituted to reflect the diversity of the residents of the City. All voting members of the SCRC must be qualified electors of the City.
- (b) The committee shall be composed of eleven (11) members, each of whom shall be approved by City Council, subject to the following requirements:
  - (1) Each councilmember (including the Mayor) shall appoint one member;
  - (2) Two members shall be appointed at large by the City Council, through an application and interview process. The Personnel & Public Employees Committee shall be responsible for making the at large recommendations to the City Council. The at large members shall, by education, experience or training, come from the fields of the law, academia, or public administration/policy.
- (c) The City Council shall complete their appointments to the SCRC no later than March 24, 2009.
- (d) The SCRC shall select from among its voting members a Chair and a Vice-Chair.
- (e) A vacancy shall be filled in the same manner as the original appointment.

- (f) Any member may be removed by the City Council without cause.
- (g) A quorum of the SCRC shall be 7 voting members.
- (h) The SCRC shall be staffed by no less than three City employees – the City Attorney, the City Manager, and the City Clerk, or their respective representatives. These City offices may provide additional support as they deem necessary and appropriate.

Section 5. General Provisions

- (a) City employees, including Charter Officers and department heads, are encouraged to assist the SCRC when so requested, including presenting testimony.
- (b) The Sacramento City Charter should be reviewed in its entirety, with openness to input from all citizens. The following issues shall be addressed in the written report of final recommendations to City Council:
  - (1) The City's governance structure: Mayor-Council versus Council-Manager, and the issues related thereto;
  - (2) The delegation and/or reservation of City powers;
  - (3) Appointment and removal of City officers and employees;
  - (4) The City budget process;
  - (5) Term limits.
- (c) Each final recommendation in the SCRC's written report to the City Council shall be approved by an affirmative vote of at least seven (7) members. All other actions of the SCRC shall be by majority vote of the members.
- (d) Members who do not approve a recommendation shall be entitled to prepare a minority report to be included with the SCRC's final written report to City Council.
- (e) The charge to the SCRC is to develop policy recommendations, and not to craft proposed Charter language.
- (f) Each SCRC member shall file a Statement of Economic Interest as would be required for filers under Government Code section 87200, within 30 days of their appointment. A member who fails to so file shall not participate as a member of the SCRC until the Statement of Economic Interest is filed.

Section 6. Sunset

The sunset date of the SCRC shall be the earlier of the date of the City Council meeting when the City Council receives the SCRC's written report of final recommendations, or November 10, 2009.

**Attachment 3**

**RESOLUTION NO.**

Adopted by the Sacramento City Council

**Repealing Resolution 2009-095 and Restating and Revising the Charge to the  
2009 Sacramento Charter Review Committee**

**BACKGROUND**

- A. On February 17, 2009, the City Council adopted Resolution 2009-095, creating the 2009 Sacramento Charter Review Committee ("SCRC"), for the purpose of having representatives of the City's citizenry review the Sacramento City Charter and make recommendations to the Council regarding Charter changes needed.
- B. Pursuant to Resolution 2009-095, the SCRC was to have submitted a written report of final recommendations in January 2010.
- C. On August 6, 2009, after certifying the requisite number of elector signatures for a proposed Charter amendment initiative, the City Council decided to place the Charter amendment initiative on the June 8, 2010, ballot.
- D. If, after receipt of the SCRC's report, the City Council decides to place a separate Charter amendment measure on the June 8, 2010, ballot, time must be afforded for appropriate public and Council discussion and action.
- E. To provide sufficient time for public and Council input on a possible Charter amendment measure, as well as sufficient time for necessary staff and Council action, the SCRC's scope and timetable must be modified.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL  
RESOLVES AS FOLLOWS:**

Section 1. Repeal

Resolution 2009-095 is hereby repealed; provided, however, that the 2009 Sacramento Charter Review Committee ("SCRC"), as it existed on August 24, 2009, shall continue as provided in this resolution.

Section 2. Purpose of the Committee

The SCRC shall be an advisory body to the City Council. The SCRC is established for the purpose of reviewing the City's current Charter and making recommendations to the City Council for amendments thereto.

Section 3. Scope, Charge and Timetable of the Committee

The SCRC is charged as follows:

- (a) To review the Sacramento City Charter and to consider whether the Charter meets the current needs of the City and whether the Charter should be amended to meet the City's needs into the future.
- (b) To hold public meetings pursuant to the Ralph M. Brown Act to achieve its purposes. The SCRC shall adopt its own meeting schedule as necessary to achieve its purposes; provided, however, that it shall meet a minimum of twice per month.
- (c) To make regular progress reports to the City Council during its operation, but no less than one report in each of the months of June and August 2009.
- (d) To present a written report of final recommendations on the issues described in Section 5 of this Resolution to the City Council on or before November 3, 2009.
- (e) To perform such other duties as the City Council directs by motion or resolution.

Section 4: Appointment and Composition of SCRC

The SCRC shall be organized as follows:

- (a) The SCRC's membership shall be broadly constituted to reflect the diversity of the residents of the City. All voting members of the SCRC must be qualified electors of the City.
- (b) The committee shall be composed of eleven (11) members, each of whom shall be approved by City Council, subject to the following requirements:
  - (1) Each councilmember (including the Mayor) shall appoint one member;
  - (2) Two members shall be appointed at large by the City Council, through an application and interview process. The Personnel & Public Employees Committee shall be responsible for making the at large recommendations to the City Council. The at large members shall, by education, experience or training, come from the fields of the law, academia, or public administration/policy.
- (c) The City Council shall complete their appointments to the SCRC no later than March 24, 2009.
- (d) The SCRC shall select from among its voting members a Chair and a Vice-Chair.

- (e) A vacancy shall be filled in the same manner as the original appointment.
- (f) Any member may be removed by the City Council without cause.
- (g) A quorum of the SCRC shall be 7 voting members.
- (h) The SCRC shall be staffed by no less than three City employees – the City Attorney, the City Manager, and the City Clerk, or their respective representatives. These City offices may provide additional support as they deem necessary and appropriate.

#### Section 5. General Provisions

- (a) City employees, including Charter Officers and department heads, are encouraged to assist the SCRC when so requested, including presenting testimony.
- (b) The Sacramento City Charter should be reviewed in its entirety, with openness to input from all citizens. The following issues shall be addressed in a written report to City Council:
  - (1) The City's governance structure: Mayor-Council versus Council-Manager, and the issues related thereto;
  - (2) The delegation and/or reservation of City powers;
  - (3) Appointment and removal of City officers and employees;
  - (4) The City budget process;
  - (5) Term limits.
- (c) Each final recommendation in the SCRC's written report to the City Council shall be approved by an affirmative vote of at least seven (7) members. All other actions of the SCRC shall be by majority vote of the members.
- (d) Members who do not approve a recommendation shall be entitled to prepare a minority report to be included with the SCRC's final written report to City Council.
- (e) The charge to the SCRC is to develop policy recommendations, and not to craft proposed Charter language.
- (f) Each SCRC member shall file a Statement of Economic Interest as would be required for filers under Government Code section 87200, within 30 days of their appointment. A member who fails to so file shall not participate as a member of the SCRC until the Statement of Economic Interest is filed.

#### Section 6. Supplemental Reports

- (a) On or before December 1, 2009, the SCRC shall provide to Council a written report of final recommendations on the following issues: full-time status for Council members and issues related to full-time status

for Mayor and Council.

- (b) On or before January 19, 2010, the SCRC shall provide to Council a written report of final recommendations on the following issue:  
primary/general election scheduling and instant run-off elections.
- (c) The reports submitted pursuant to this Section 6 shall comply with Section 5, subsections (c), (d), and (e).

Section 7. Sunset

The sunset date of the SCRC shall be the earlier of the date of the City Council meeting when the City Council receives the SCRC's final written report, or January 26, 2010.

ATTACHMENT 4

RESOLUTION NO. 2009-095

Adopted by the Sacramento City Council

February 17, 2009

APPROVING THE 2009 SACRAMENTO CHARTER REVIEW COMMITTEE

BACKGROUND

- A. The Sacramento City Charter is the foundational document for City governance.
- B. The City's current charter dates from 1921. Although it has been amended numerous times, there has been no comprehensive review of the Sacramento City Charter in decades.
- C. There is currently pending a proposed Charter amendment initiative to change the City's governance structure, from Council-Manager to Mayor-Council. If the elections official verifies a legally sufficient number of initiative petition signatures, the City is obligated to place that measure before the voters.
- D. A city government should reflect the needs, aspirations, and values of its citizenry, and it works best when it taps the diverse resources of its citizens.
- E. The City Council desires to have representatives of its citizenry review the Sacramento City Charter and make recommendations to the Council regarding Charter changes needed.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. Establishing the Committee

The 2009 Sacramento Charter Review Committee ("SCRC") is hereby established.

Section 2. Purpose of the Committee

The SCRC shall be an advisory body to the City Council. The SCRC is established for the purpose of reviewing the City's current Charter and making recommendations to the City Council for amendments thereto.

Section 3. Scope, Charge and Timetable of the Committee

The SCRC is charged as follows:

- (a) To review the Sacramento City Charter and to consider whether the Charter meets the current needs of the City and whether the Charter should be amended to meet the City's needs into the future.

## ATTACHMENT 4

amended to meet the City's needs into the future.

- (b) To hold public meetings pursuant to the Ralph M. Brown Act to achieve its purposes. The SCRC shall adopt its own meeting schedule as necessary to achieve its purposes; provided, however, that it shall meet a minimum of twice per month.
- (c) To make regular progress reports to the City Council during its operation, but no less than one report in each of the months of June, August, and October 2009.
- (d) To provide a written report of preliminary recommendations to the City Council on or before December 15, 2009.
- (e) To present a written report of final recommendations to the City Council on or before January 26, 2010.
- (f) To perform such other duties as the City Council directs by motion or resolution.

Section 4. Appointment and Composition of SCRC

The SCRC shall be organized as follows:

- (a) The SCRC's membership shall be broadly constituted to reflect the diversity of the residents of the City. All voting members of the SCRC must be qualified electors of the City.
- (b) The commission shall be composed of eleven (11) members, each of whom shall be approved by City Council, subject to the following requirements:
  - (1) Each councilmember (including the Mayor) shall appoint one member;
  - (2) Two members shall be appointed at large by the City Council, through an application and interview process. The Personnel & Public Employees Committee shall be responsible for making the at large recommendations to the City Council. The at large members shall, by education, experience or training, come from the fields of the law, academia, or public administration/policy.
- (c) The City Council shall complete their appointments to the SCRC no later than March 24, 2009.

ATTACHMENT 4

- (d) The SCRC shall select from among its voting members a Chair and a Vice-Chair.
- (e) A vacancy shall be filled in the same manner as the original appointment.
- (f) Any member may be removed by the City Council without cause.
- (g) A quorum of the SCRC shall be 6 voting members.
- (h) The SCRC shall be staffed by no less than three City employees -- the City Attorney, the City Manager, and the City Clerk, or their respective representatives. These City offices may provide additional support as they deem necessary and appropriate.

Section 5. General Provisions

- (a) City employees, including Charter Officers and department heads, are encouraged to assist the SCRC when so requested, including presenting testimony.
- (b) The Sacramento City Charter should be reviewed in its entirety, with openness to input from all citizens. However, the following issues should be given particular consideration and shall be addressed in the final report to City Council:
  - (1) The City's governance structure: Mayor-Council versus Council-Manager, and the issues related thereto;
  - (2) The delegation and/or reservation of City powers;
  - (3) Appointment and removal of City officers and employees;
  - (4) The City budget process;
  - (5) Green waste disposal;
  - (6) Full-time status for Council members and issues related to full-time status for Mayor and Council;
  - (7) Term limits;
  - (8) Ethics commission;

ATTACHMENT 4

(9) timing of City general run-off elections, and instant runoff or alternative runoff procedures for City elections.

(10) Other Issues as indicated by the City Council.

- (c) Each final recommendation in the SCRC's written report to the City Council shall be approved by an affirmative vote of at least seven (7) members. All other actions of the SCRC shall be by majority vote of the members.
- (d) Members who do not approve a recommendation shall be entitled to prepare a minority report to be included with the SCRC's written reports to City Council.
- (e) The charge to the SCRC is to develop policy recommendations, and not to craft proposed Charter language.
- (f) Each SCRC member shall file a Statement of Economic Interest as would be required for filers under Government Code section 87200, within 30 days of their appointment. A member who fails to so file shall not participate as a member of the SCRC until the Statement of Economic Interest is filed.

Section 6. Commencement

The SCRC shall begin its work as soon as practical after the City Council approves member appointments equal to a quorum of the SCRC, but in any event no later than April 3, 2009.

Section 7. Sunset

The sunset date of the SCRC shall be the earlier of the date of the City Council meeting when the City Council receives the SCRC's final written report, or January 26, 2010.

ATTACHMENT 4

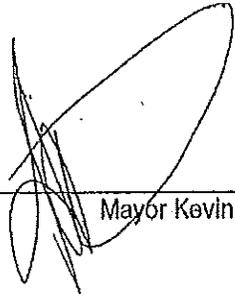
Adopted by the City of Sacramento City Council on February 17, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

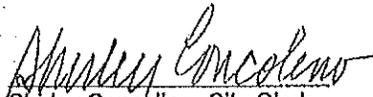
Noes: None.

Abstain: None.

Absent: None.

  
\_\_\_\_\_  
Mayor Kevin Johnson

Attest:

  
\_\_\_\_\_  
Shirley Concolino, City Clerk

