



REPORT TO COUNCIL City of Sacramento

915 I Street, Sacramento, CA 95814-2604
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Discussion
February 23, 2010

**Honorable Mayor and
Members of the City Council**

Title: Ordinance Adoption: Independent Budget Analyst Act of 2009

Location/Council District: Citywide

Recommendation: (1) Adopt an **Ordinance** adding chapter 2.33 (Establishment of Office of the Independent Budget Analyst) to the Sacramento City Code, and amending chapter 2.32 (Department of Finance) of the Sacramento City Code; and (2) directing the ordinance to be published pursuant to Sacramento City Charter section 32(d).

Contact: Matthew Ruyak, Supervising Deputy City Attorney, 808-5346;

Presenters: Matthew Ruyak

Department: City Attorney's Office

Division: N/A

Organization No: 03001011

Description/Analysis

Issue: The initiative ordinance measure known as the "Independent Budget Analyst Act of 2009," received a sufficient number of petition signature to qualify for the ballot. City Council must either adopt the Independent Budget Analyst Act of 2009, or it must order the ordinance measure to the June 8, 2010, primary municipal election ballot.

Policy Considerations: This action is consistent with the California Elections Code, the Sacramento City Charter, and the Sacramento City Code.

Environmental Considerations: None

Commission/Committee Action: None.

Rationale for Recommendation: On August 6, 2009, the City Council accepted the Sacramento County Registrar of Voters "Certificate of Petition" declaring that the "Independent Budget Analyst Act of 2009" initiative petition contained sufficient signatures to qualify for the ballot pursuant to law. On February 2, 2010, the City Council approved a motion to direct staff to return to Council with a resolution ordering the qualified initiative to the June 8, 2010 ballot. However, on February 16, 2010, the City Council further approved a motion to have staff return with the initiative ordinance for adoption by City Council.

As required by the California Elections Code and the Sacramento City Charter, the City Council must either adopt the initiative ordinance or it must adopt a resolution that will place the measure on the June 8, 2010, Primary Municipal Election ballot.

The ordinance should be ordered published pursuant to Sacramento City Charter section 32(d), in lieu of the usual "pass for publication," due to the severe time constraints upon Council.

Financial Considerations: The initiative ordinance requires the City Council to "appropriate a reasonable budget" for the Office, if it is established. According to the City Treasurer's estimates, the cost for establishing a separate Office of Independent Budget Analyst is approximately \$500,000 per year (in 2009 dollars), if the recommended 3 FTE model is implemented. By the initiative's terms, the office must remain in place for at least nine years.

Emerging Small Business Development (ESBD): Not applicable.

Respectfully Submitted by:  _____
Matthew Ruyak,
Supervising Deputy City Attorney

Recommendation Approved:

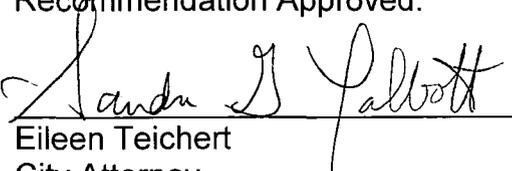

for Eileen Teichert
City Attorney

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ATTACHMENT 1

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE ADDING CHAPTER 2.33 TO THE SACRAMENTO CITY CODE, ESTABLISHING THE OFFICE OF THE INDEPENDENT BUDGET ANALYST; AND AMENDING CHAPTER 2.32 OF THE SACRAMENTO CITY CODE, RELATING TO THE DEPARTMENT OF FINANCE

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. TITLE

This initiative measure may be known and referred to as the "Independent Budget Analyst Act of 2009."

SECTION 2. FINDINGS AND DECLARATION OF PURPOSE

- A. The City of Sacramento is facing one of the worst budget crises in its history. Traditional sources of revenue to the City are experiencing a dramatic downturn, while the cost of providing and the demand for City services are increasing.
- B. At the state level, the Legislative branch has benefitted from obtaining objective and unbiased advice from the Office of the Legislative Analyst. That office provides the state Legislature with fiscal analyses of policy proposals, critiques of the Governor's budget proposals and suggests long-term fiscal reforms. Other cities have created similar positions for the benefit of their city council.
- C. The City Council and the taxpayers of the City of Sacramento will benefit from the same clear, objective, and unbiased analysis and advice regarding all legislative items bearing financial impacts to the City. Therefore, the People hereby enact the Independent Budget Analyst Act of 2009.

SECTION 3. ESTABLISHMENT OF OFFICE OF INDEPENDENT BUDGET ANALYST

Chapter 2.33 shall be added to Title 2 of the Sacramento City Code, as follows:

2.33.010 Office of Independent Budget Analyst

There is hereby created the Office of Independent Budget Analyst, a city department whose designated function is to assist the city council in the conduct of budgetary inquiries and in the making of budgetary decisions.

2.33.020 Independent Budget Analyst

(a) The Independent Budget Analyst is the administrative head of the department and shall be appointed by majority vote of the city council.

(b) The city council may remove the Independent Budget Analyst from office by a majority vote of the members of the city council at any time, with or without cause.

2.33.030 Qualifications of the Independent Budget Analyst

Appointees serving as Independent Budget Analyst shall have the professional qualifications of a college degree in finance, economics, business, or other relevant field of study or a relevant professional certification. In addition, such appointees shall have experience in the area of municipal finance or substantially similar equivalent experience. No person shall be eligible to serve as the Independent Budget Analyst or a member of the staff of the Independent Budget Analyst who, during the previous eight years, has served on the staff of a city chief executive officer or city councilmember, or has been a registered lobbyist with the city.

2.33.040 Duties of the Independent Budget Analyst

The duties of the Independent Budget Analyst shall include:

(a) providing a formal, comprehensive review and analysis of the proposed annual budget;

(b) gathering, organizing, and analyzing data and information relative to budgetary issues;

(c) providing comparative studies of other cities as they relate to municipal finance;

(d) engaging in fiscal forecasting and planning, including developing means of financing long-range capital improvement programs;

(e) analyzing the city's past, current, and proposed revenues and expenditures;

(f) reviewing existing and potential tax revenues;

(g) analyzing federal, state, and local programs to determine sources of funding and appropriate expenditure options;

(h) reviewing the economic effects of proposed legislation;

- (i) constructing economic models and indices as directed by the city council;
- (j) preparing fiscal and economic project analysis as directed by the city council;
- (k) providing policy research and fiscal analysis on proposed legislation;
- (l) preparing such other reports relating to budgetary and legislative policy concerns as directed by the city council; and
- (m) making recommendations to the city council in connection with the analysis, studies, and reports described herein.

2.33.050 Budget

The city shall appropriate a reasonable budget for the Office of Independent Budget Analyst.

2.33.060 Conflict of Interest Code

A conflict of interest code shall be adopted for the Independent Budget Analyst and staff of the Independent Budget Analyst, subject to city council approval. The Independent Budget Analyst and members of the staff of the Independent Budget Analyst shall be required to complete and file statements of economic interests in accordance with the conflict of interest code.

SECTION 4. DEPARTMENT OF FINANCE

Chapter 2.32 of Title 2 of the Sacramento City Code shall be amended, as follows (deletions of existing language are denoted by strike-out type and additions of new language are denoted in underline type):

2.32.010 Department of Finance

The department of finance shall be responsible to the chief executive officer ~~city manager~~ for the financial affairs of the city.

2.32.020 Director of Finance

The director of finance shall have direct supervision over the department of finance and the administration of the financial affairs of the city and shall carry out any duties imposed by the city charter and the chief executive officer ~~on the controller~~. For purposes of this title, the director of finance shall mean the director or his or her designee.

SECTION 5. AMENDMENT

(a) Notwithstanding Elections Code section 9217, the city council may amend this Act to further its purposes without submission to the voters.

(b) After nine years, but not later than ten years after the effective date of this Chapter, the city council shall assess the overall cost to operate the Office of Independent Budget Analyst, and the cost savings attributable to recommendations of the Office of Independent Budget Analyst.

(c) After the assessment required by subdivision (b) of this Section is complete, the city council may by majority vote abolish the Office of Independent Budget Analyst if the assessment demonstrates that the Office of Independent Budget Analyst is not providing a net cost savings to the city.