



REPORT TO COUNCIL

City of Sacramento

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

Staff Report
June 22, 2010

Honorable Mayor and
Members of the City Council

Title: Accountability Plan of 2010

Location/Council District: Citywide

Recommendation: (1) Discuss the proposed charter changes identified in the "Accountability Plan of 2010"; (2) provide direction to the City Attorney's Office to return on July 13, 2010 with proposed charter language; and (3) direct staff to return on July 13, 2010 with the necessary resolutions to have a charter change ballot measure placed on the November 2, 2010 ballot.

Contact: Kunal Merchant, Mayor's Chief of Staff, 808-5377

Presenters: Kunal Merchant

Department: Office of the Mayor

Division: N/A

Organization No: 0700

Description/Analysis

Issue:

At the February 16, 2010 Council Meeting, Mayor Johnson laid out a five-point framework for the "Accountability Plan of 2010," a proposal to update the City of Sacramento Charter. Since that time, the Mayor has held a series of community meetings and town halls to gather input and develop more specific recommendations for the plan.

These efforts culminated in a "detailed conceptual draft" of the Accountability Plan, prepared in consultation with the City Attorney's Office. This conceptual draft was shared with the Council and general public in May, and will serve as the basis for Council discussion and the charter amendment language placed before voters in

November.

Policy Considerations: The plan provides the Mayor and Council an opportunity to engage voters in the ongoing dialogue on how best to increase accountability, efficiency and transparency within the city.

Environmental Considerations: None.

Sustainability Considerations: None.

Commission/Committee Action: None.

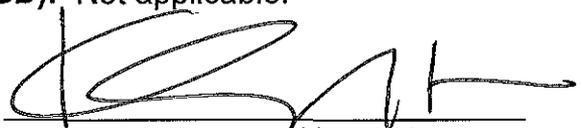
Rationale for Recommendation:

Drafting charter amendment language is an essential next step in furthering discussion on the Accountability Plan and meeting the required deadlines to place items on the November 2010 ballot.

Financial Considerations: None.

Emerging Small Business Development (ESBD): Not applicable.

Respectfully Submitted by:



Kunal Merchant
Mayor's Chief of Staff

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Attachments

1 Detailed Conceptual Draft

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2 Presentation

To Be Delivered

OFFICE OF THE MAYOR

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MAYOR



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CITY OF SACRAMENTO
CALIFORNIA

May 25, 2010

Dear Citizens,

Please find enclosed a detailed draft of the Accountability Plan of 2010 for your review. The plan centers around five components:

- An **elected Mayor as chief executive** with the ability to align city leadership and resources behind a shared vision for the city;
- An **independent council** with separate legislative and oversight authority;
- A requirement for an **ethics ordinance** to ensure adherence to high standards of conduct and transparency;
- Options for **term limits** on the Mayor and Council; and
- A **voter re-approval** provision that allows citizens to confirm the plan at a future date before making changes permanent

This plan represents the culmination of 18 months of public debate and discussion on how best to modernize our City Charter. The plan includes elements not only from the original initiative proposed in December 2008, but also several additions and modifications suggested by the Charter Review Committee and via other forums that address questions and concerns with the original proposal. Specifically, the plan draws on elements put forth via:

- an initiative supported by 50,000 citizens to transition to an executive mayor governance form;
- the Charter Review Committee which, through 60 hours of public discussion over seven months, discussed several recommendations included in the plan (e.g. Council-appointed charter officers, limited Mayoral appointment power, ethics provisions);
- public discussion and analysis at more than ten City Council meetings;
- an ongoing series of town halls, community meetings, and other events where over 1,500 citizens to date have provided input and feedback; and
- innumerable contributions by the media and citizens via editorials, op-eds, letters to the editor, blogs, news reports, and other formats

The enclosed materials, developed with support from the City Attorney's Office, represent the latest draft of the plan. Final terms and language will be determined by the Mayor and Council via public discussions beginning at the June 15, 2010 Council Meeting.

Please contact me at chiefstaff@cityofsacramento.org or 916-808-5300 with questions or feedback. In addition, our office welcomes requests to present the plan to a particular group or organization.

Sincerely,

Kunal Merchant
Mayor's Chief of Staff

Accountability Plan of 2010

DRAFT 5.25.10

SUMMARY

1. Executive Mayor

- Mayor is Chief Executive
- Proposes budget
- Appoints/removes City Manager and department heads
- Limited veto

2. Independent Council

- Council President leads Council Meetings
- Approves budget
- Confirms City Manager and department heads
- Appoints/removes City Clerk, City Attorney, City Treasurer, City Auditor and Independent Budget Analyst
- Overrides Mayoral vetoes
- Ninth council district created in 2012

3. Ethics Ordinance

- Training and education
- Compliance
- Whistleblower resources
- Transparency reforms

4. Term Limits

- Option 1: No term limits
- Option 2: 2-3 terms in lifetime
- Option 3: 2-3 terms in succession

5. Voter Reapproval

- Effective 30 days after election (December 2, 2010)
- Sunsets if voters do not re-approve in 8-10 years

ACCOUNTABILITY PLAN OF 2010: DETAILED CONCEPTUAL DRAFT (Updated 5.25.2010)

Below is a summary of proposed changes to the City of Sacramento Charter. This document was prepared by the Office of the Mayor in partnership with the City Attorney's Office. It is intended to advance public dialogue on key issues and options under discussion. Please note this is only a draft; exact terms and language will be determined by the Mayor and Council at a future City Council meeting.

| | CURRENT CHARTER | PROPOSED PLAN |
|---|---|--|
| Executive duties | | |
| Chief Executive Officer | City Manager | Mayor ¹ |
| State of the City required? | No | Yes. Present annually to public by March 1 |
| Contracting Authority | Council; City Manager per ordinance | Same as current |
| Council Meetings | | |
| Runs council meetings | Mayor | Council President elected by Council. ² |
| Assumes role of Mayor in case of declared vacancy | Vice Mayor | Council President |
| Mayor's role in open session | Participate ³ and vote | May not participate or vote. |
| Mayor's role in closed session | Participate and vote | May participate, no vote. |
| City Manager's role at Council Meeting | Participate, no vote | Same as current |
| Appointment Responsibilities | | |
| City Manager | Appoint: Council (5 votes) Remove: Council (6 votes) | Appoint: Mayor w/Council concurrence (5 votes) Remove: Mayor |
| City Clerk, Treasurer, Attorney, Auditor and Independent Budget Analyst | Appoint: Council (5 votes) Remove: Council (5 votes) | Same as current |
| Assistant City Managers and Department Heads | Appoint: City Manager Remove: City Manager | Appoint: Mayor w/Council concurrence (5 votes) Remove: Mayor |
| Other city employees (unrepresented and represented) | Appointed/removed by appointing authority ⁴ | Same as current |
| Boards & Commissions | Appoint: Mayor w/Council concurrence (5 votes) Remove: Council (5 votes) | Same as current |
| Budget | | |
| Propose and present preliminary budget | City Manager 60 days before fiscal year | Mayor 90 days before fiscal year |
| Amend and adopt budget | Mayor and Council | Council |
| Required number of public hearings | One hearing | Two hearings - first within 15 days of proposal |
| Council deadline to return modified budget to Mayor | N/A | 30 days prior to end of current fiscal year |
| Contingency if budget not adopted on time | Prior budget effective until new budget passed | Same as current |
| Budget amendments | Same process as for adoption | Same process as for adoption |
| Veto | | |
| Scope of veto | N/A | Budget and Ordinances only ⁵ |
| Mayoral veto timeline | N/A | Veto within 10 days or automatically approved |
| Council override timeline | N/A | Budget: Override (6 votes) within 10 days Ordinances: Override (6 votes) within 30 days |
| Term Limits⁶ | | |
| Maximum terms as Mayor | None | Option 1: None Option 2: 2-3 full terms in succession Option 3: 2-3 full terms in lifetime |
| Maximum terms as Council Member | None | Option 1: None Option 2: 2-3 full terms in succession Option 3: 2-3 full terms in lifetime |
| Ethics Program | | |
| Charter requires Council to adopt ethics ordinance? | No | Yes |
| Voter Re-approval | | |
| Effective Date | N/A | December 2, 2010 (30 days after Election Day) |
| Timeframe to place re-approval measure on ballot | N/A | Between November 2018 and November 2020 |
| Other Issues | | |
| Residual Powers | Council | Same as current |
| Ninth Council District | N/A | Election in 2012 after 2011 redistricting. |
| Minimum votes needed to pass Council item | 5 votes | Same as current. ⁷ |

¹ City Manager will retain several specific administrative duties laid out in charter, such as sitting on specific boards and commissions.

² Council President will be elected by Council, similar to how the Vice Mayor is currently selected. The Council President may be re-elected to successive terms.

³ "Participate" in this sense means to speak alongside the Council from the dais. The Mayor, as with any other member of the public, would always be able to attend and speak as a citizen.

⁴ Currently, the Mayor, Council, City Clerk, City Treasurer, City Attorney, City Auditor and Independent Budget Analyst have appointing authority over their respective staffs.

⁵ Budget veto includes line items. Exceptions where Mayor may not veto include: emergency ordinances; ordinances required by state law; election-related ordinances; re-zoning; development agreements; land use decisions/actions; Council budget; and any other matters under the exclusive purview of the Council.

⁶ Term limits would impact terms that commence after effective date. Council terms would not count towards future Mayoral service (and vice versa). Full term: >2 years. Partial: ≤ 2 years

⁷ Before 9th council member added in 2012, 4-4 council votes will not pass, as in other cities.