

PROPOSED 2012 CHARTER REVISION ANALYSIS

PRESENTER

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PRESENTATION ROADMAP

- General Information
- The Proposed Act
- Comparison with Other Cities
- Legal Issues
- Language Suggestions

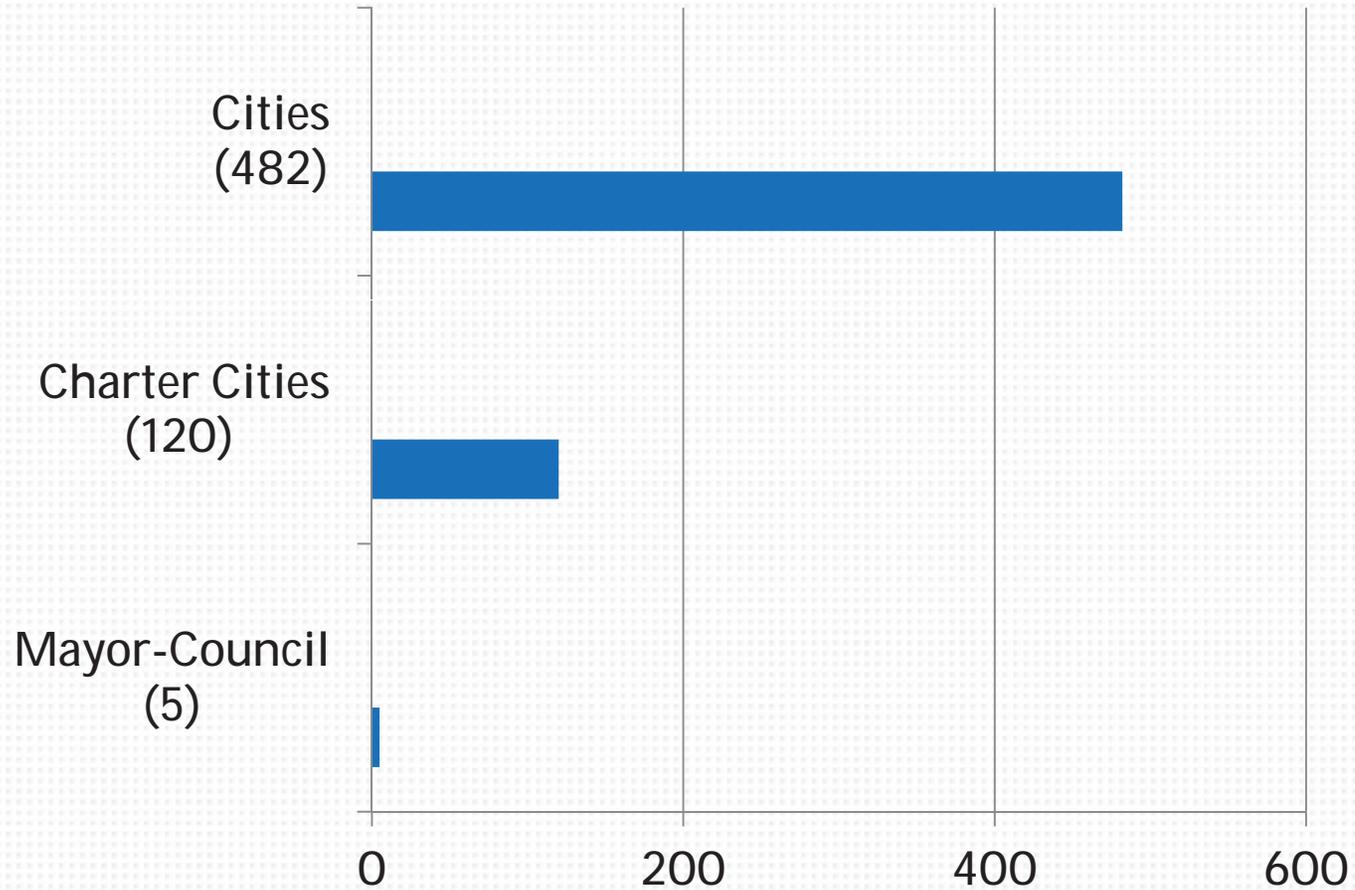


PART ONE

GENERAL INFORMATION



California Cities



COMPARISON CITY POPULATIONS

<u>City</u>	<u>Population</u>
Los Angeles	3,792,621
San Diego	1,307,402
San Francisco	805,235
Fresno	494,665
Sacramento	466,488
Oakland	390,724
Seattle, WA	608,660
Denver, CO	600,158

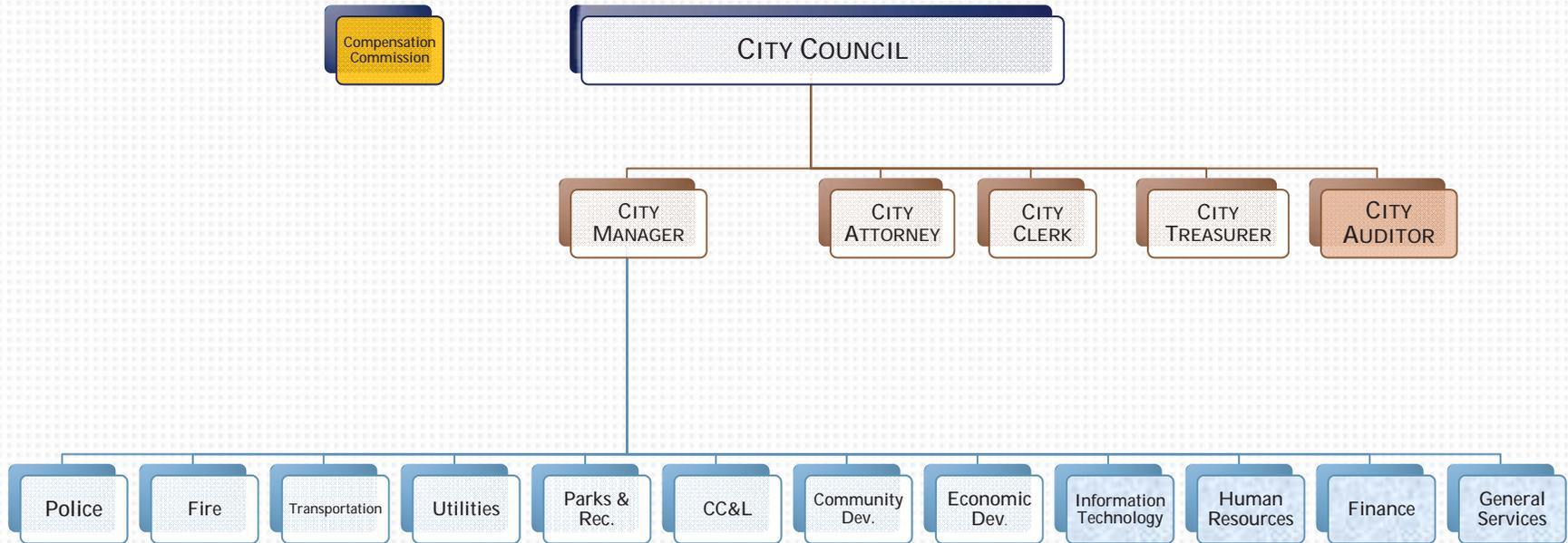


CHARTERS 101

- **WHAT:** supreme law of the city, subject only to conflicting provisions of federal and state constitutions and preemptive state law on matters of statewide concern
- **WHY:** local control over municipal affairs, e.g., structure of city government
- **HOW:** voter approval
 - **Propose:** governing body or charter commission
 - **Amend:** initiative or governing body
 - **Revise:** governing body or charter commission
 - **Repeal:** initiative or governing body



Current City Government Structure



PART TWO

THE PROPOSED ACT



THE PROPOSED ACT – major elements

- Creates Mayor-Council form of government
- Establishes citizens' redistricting commission
- Establishes new public meeting, public presentation, or public appearance requirements for certain Mayor or Council issues
- Requires certain information/documents be promptly posted on the internet
- Directs Council to adopt several ordinances
- Establishes a new budget process

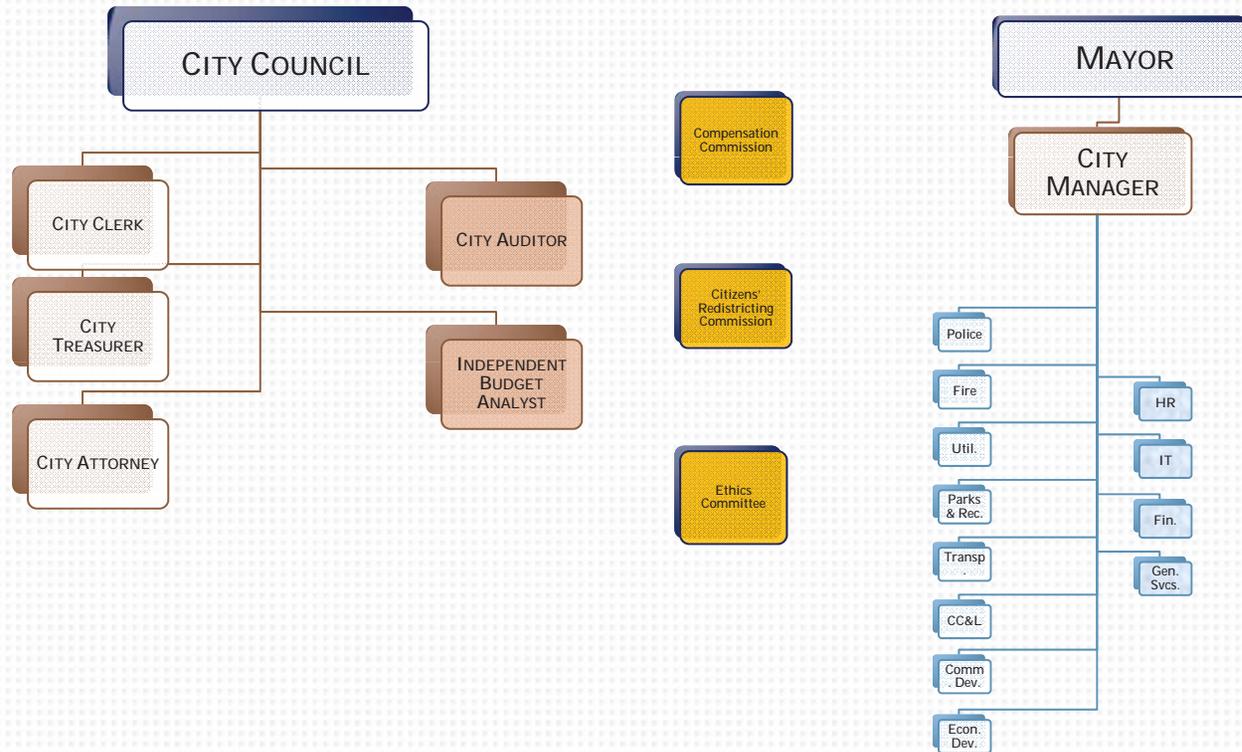


THE PROPOSED ACT – “to do” list

- New Ordinance: establishing process, etc., for citizens' redistricting commission
- New Ordinance: Code of Ethics and Conduct for elected officials (Mayor & Councilmembers), and board and commission members
- New Ordinance: Sunshine Ordinance for open government
- New Ordinance: establishing ethics committee, which performs biennial review
- Update City Code and Resolutions



Proposed City Government Structure



PART THREE

COMPARISON WITH SELECTED CITIES



HOW THE ACT'S PROVISIONS COMPARE TO THE OTHER CITIES' CHARTERS

- Similarities
- Differences
- Select Borrowed Concepts



SIMILARITIES

EXECUTIVE MAYOR

- Mayor becomes the City's chief executive officer
- Mayor appoints and removes the City Manager
- Mayor prepares and presents budget
- Mayor has ordinance veto power
- Mayor has budget veto power



SIMILARITIES

COUNCIL

- Council is the City's legislative body
- Council selects a Council President
- Council President become acting mayor in case of absence, disability, or vacancy (not in S.D. or Denver)
- Council can override mayoral veto



DIFFERENCES

- No mayoral veto of resolutions (4 of 6 allow veto of both resolutions and ordinances)
- Mayor's presentation of budget earlier
- Public vetting of Charter Officers
- Requirement for posting materials on internet
- No term limits
- Council authority to initiate process for creation of another council seat
- Potentially shorter time between voter approval and effective date



Concepts Modeled on Select Provisions in Other Charters

- Redistricting Commission with final authority (S.D., S.F.)
- "Sunshine Ordinance" (S.F.)
- Voter approval of elected official raises over 5% (Oakland)
- IBA in Charter (S.D.)
- Limited authority of acting mayor (S.D., Fresno, Seattle)
- Ethics Committee and Code of Ethics

PART FOUR

LEGAL ISSUES



LEGAL ISSUE: NINTH SEAT CREATION

- As currently drafted, proposed process gives pause.
- But, more than one way to peel an orange:
 - Choose 8 or 9 now
 - Submit issue to voters later
 - Set a date certain (e.g., 2014, 2020)
 - Set a condition precedent (like Fresno)



LEGAL ISSUE: REVISION OR AMENDMENT?

- Act = Council-Manager → Mayor-Council
- For same reasons previously discussed, we conclude Act most likely a “revision”
- Council may propose revisions



LEGAL ISSUE: SCOPE OF VETO

- § 47 Ordinance Veto [override = 5/8 or 6/9]
 - Clarification on ordinance applicability
 - Redistricting ordinance?
- § 111 Budget Veto [override = 6/8 or 6/9]
 - Initial budget (and line items)
 - Clarification: resolutions that amend budget (e.g., grant acceptances)?

OTHER LEGAL ISSUES

- No other patent “fatal flaws”
 - May be issues during implementation
- Some legal issues identified in the report are simply explanatory of legal effect (e.g., Council’s retention of residual powers, effect on IBA ordinance)
- Others issues identified in the report can be resolved through clarification and language tweaks



CLARIFICATIONS

- Scope of veto (§§ 47, 111)
- Public vetting of council-appointed officers
- Nature of certain required public meetings
- Duty of the Independent Budget Analyst
- Timeline/process for amending budget
- Nature of ethics committee
- Time for mayor's transmittal of veto
- Types of permanent Council records to be posted on internet
- Timing of public vetting for city manager candidate



PART FIVE

LANGUAGE



Language: Friendly Suggestions

- Report suggests some “substantive” changes, including:
 - Ninth seat?
 - Scope of veto
 - Ability to amend districts for annexations?
 - Adding ethics committee ordinance under new Section 36
 - Recall as mayoral vacancy?
 - Independent Budget Analyst’s duties
 - Budget veto exception for council’s budget
 - Budget amendment process
- Some structural and minor/grammatical suggestions
- **All are subject to further discussion and direction**



CONCLUSION

- Overview
- References
- Questions?

