City of Sacramento
City Council

915 I Street, Sacramento, CA, 95814
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Meeting Date: **2/7/2012** **Report Type:** Staff/Discussion

Title: Strong Mayor and Other Charter Change Options

Report ID: 2012-00102

Location: Citywide

Recommendation: Review and provide direction.

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Presenter: Matthew Ruyak,Supervising Deputy City Attorney, (916) 808-5346, Office of the City Attorney

Department: City Attorney
Division: City Attorney
Dept ID:

Attachments:

1- Description/Analysis
2- Background

City Attorney Review

Approved as to Form
Matthew Ruyak
2/2/2012 11:22:19 AM

Approvals/Acknowledgements

Department Director or Designee: Eileen M. Teichert - 2/2/2012 11:00:02 AM

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Description/Analysis

Issue: On January 17, 2012, City Council heard reports from the Mayor's Chief of Staff and the City Attorney's Office on the proposed "Sacramento Checks and Balances Act of 2012." Council directed the City Attorney's Office to prepare a report to facilitate further Council discussion on various proposed changes to the city's charter.

Policy Considerations: This report concerns the city's charter.

Environmental Considerations: N/A

Sustainability: N/A

Commission/Committee Action: N/A

Rationale for Recommendation: N/A

Financial Considerations: N/A

Emerging Small Business Development (ESBD): N/A

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Background

Introduction

On January 17, 2012, City Council heard reports from the Mayor's Chief of Staff and the City Attorney's Office on the proposed "Sacramento Checks and Balances Act of 2012" ("SM 3.0"). After public testimony, the Council discussed various issues and concerns raised by some aspects (or missing aspects) of SM 3.0. But Council did not take a formal or informal vote on those issues. Rather, Council directed the City Attorney's Office to prepare a report setting forth options for further discussion.

This report frames a series of issues identified by Council members to facilitate further Council discussion. The ten issues included in the matrices below reflect the comments on January 17, 2012, whether the issue was mentioned by one or more Council members. For example, at least four council members mentioned term limits; but only one mentioned the sunset date. Both issues are included in the matrices below. On the other hand, this report does not include every issue that SM 3.0 (or any Mayor-Council charter proposal) presents – such as the "State of the City address" or the timing for budget presentation and preparation – since not all of SM 3.0's proposed charter changes were called out by a Council member, and it would be presumptuous for the City Attorney's Office to pick and choose which issues are important enough for Council's policy discussion. Of course, the City Attorney's Office can provide additional information and analysis, if requested. Finally, this report does not address (or provide options for) two fundamental issues: whether to place a charter proposal on the ballot, and when to place a charter proposal on the ballot.

How to Read the Matrices

Each of the ten matrices addresses an issue raised by one or more Council members. The left column summarizes the current Sacramento City Charter's approach to the issue, as a point of reference. The middle column summarizes SM 3.0's approach the issue. The right column presents options and questions for the issue. Again, these are presented cursorily. These are the launching pads for Council's policy discussion, without nuanced explanation or exemplars from other cities. The goal is simply to frame the issues for debate, and it is presumed that the reader is generally familiar with these topics, the previous reports presented to Council, and Council's meetings on charter-related subjects.

Neither inclusion nor exclusion of an option or question reflects upon the merits of that option or question. The City Attorney's Office is not, by crafting the matrices, commenting upon the policy issues. Nonetheless, City Attorney's Office staff will endeavor to answer questions about other city charters' approach to these (and other) issues.

Additional Note: On Monday, January 30, 2012, after this report was first drafted, the Mayor's Office delivered to the City Attorney's Office a new draft of SM 3.0. This report does not reflect the changes made in the new draft of SM 3.0.

ISSUE 1: Number of Districts and Voting Council Members

CURRENT CHARTER	SM 3.0	OPTIONS & QUESTIONS
Eight council districts (mayor, elected at-large, is ninth vote).	Eight council districts; however, Council authorized to initiate process for creation of ninth seat.	1. Eight districts/seats 2. Nine seats a. Ninth at-large i. Permanent ii. Transition to at-large (e.g., in 2020) b. Nine districts 3. Timing (if nine) a. Special Election (need to amend City Code) b. Interim Appointment c. 2014/2016/2020 election cycle d. Other

ISSUE 2: Appointment and Removal of City Manager

CURRENT CHARTER	SM 3.0	OPTIONS & QUESTIONS
Five votes to appoint; six votes to remove. Cannot be removed in first 12 months except for stated reasons.	Mayor appoints, with Council confirmation; Mayor removes with or without cause, with nominal notice to Council.	1. Appointment a. Vote i. Simple Majority ii. Supermajority b. Deemed approval if no Council action? 2. Removal a. Mayor sole discretion i. No notice ii. Nominal notice iii. Minimum notice period (e.g., X number of days) b. City Manager appeal to Council c. Council approval of removal i. Majority ii. Supermajority d. Council-initiated removal i. Majority ii. Supermajority

ISSUE 3: Mayor's Appearance at Council (Brown Act) Meetings

CURRENT CHARTER	SM 3.0	OPTIONS & QUESTIONS
Mayor is a presiding officer at Council meetings; as with other members, Mayor's absence from five consecutive regular meetings, unless excused by Council resolution, creates vacancy.	Mayor has the no obligation, but has the right, to attend any regular, special, or closed session of the Council, or any other Brown Act meeting.	1. Mayor has rights like any other citizen (i.e., no Charter-given rights) 2. Mayor has right, but not obligation, to attend meetings a. All meetings? b. Except some (e.g., closed session) 3. Mayor is obligated to attend a. At stated periods (e.g., monthly) b. For stated purposes (e.g., budget presentation) 4. Mayor is obligated upon invitation of Council

ISSUE 4: Council Amendment of Redistricting Ordinance

CURRENT CHARTER	SM 3.0	OPTIONS & QUESTIONS
The City Council adopts and amends council district boundaries by ordinance. Territory annexed or consolidated with the City must be added to the adjacent district by ordinance.	Council district boundaries are drawn by an independent citizens' redistricting commission. Council adopts an ordinance that must reflect the commission's plan.	1. Require any changes, including annexations, etc., to be accomplished by plan drawn by citizens' redistricting commission. 2. Allow Council to adopt ordinance changing boundaries if change is because of annexation or consolidation, without need for commission involvement.

ISSUE 5: Term Limits

CURRENT CHARTER	SM 3.0	OPTIONS & QUESTIONS
No term limits.	No term limits.	1. Term limits? 2. Applicability a. Mayor b. Council member 3. Number of terms a. Two b. Three c. Other 4. Counting terms a. Consecutive b. Lifetime c. Partial terms counted d. Terms previously served 5. Other issues a. Per office, or combination of offices? b. How much intervening time before eligible again (e.g., 2 or 4 years)?

ISSUE 6: Scope of Veto

CURRENT CHARTER	SM 3.0	OPTIONS & QUESTIONS
Not applicable.	Mayor can veto ordinances, with some specified exceptions (e.g., emergency ordinances, election-related ordinances). Mayor can veto the budget resolution; the budget veto power includes line item veto. Mayor cannot veto Council's own budget.	1. Ordinance veto? a. Exceptions as discussed in January 17, 2012, report. b. Exception for redistricting ordinance? c. Other exceptions? 2. Resolution veto? a. Except council's own budget? b. Exceptions for state-mandated resolutions? c. Other exceptions (e.g., land-use decisions, quasi-judicial matters, elections-related matters)? 3. Motion veto? a. Exception for appointments? b. Other exceptions (e.g., appeals)

ISSUE 7: Veto Override

CURRENT CHARTER	SM 3.0	OPTIONS & QUESTIONS
Not applicable.	For ordinances, veto override is five votes (six if ninth council seat created). For the budget resolution, veto override – including for line items – is six votes, regardless of council size. Each line item must be subject of separate override vote.	1. Five or six votes. 2. Match ordinance override and budget override? 3. Require separate override for each line item veto?

ISSUE 8: Sunset Date

CURRENT CHARTER	SM 3.0	OPTIONS & QUESTIONS
Not applicable.	December 31, 2020, unless made permanent or otherwise changed by public vote that must occur on or before November 3, 2020.	1. No sunset date 2. December 31, 2020, as proposed (approximately two mayoral terms) 3. December 31, 2016 (approximately one mayoral term) 4. Any other date consistent with concepts of separated mayor council and potentially created ninth seat

ISSUE 9: Separate Measures for Issues

CURRENT CHARTER	SM 3.0	OPTIONS & QUESTIONS
Not applicable.	One measure changes government from Council-Manager form to Mayor-Council form; establishes independent redistricting commission to draw council district boundaries; requires four new ordinances – (i) Code of Ethics for certain City officials, (ii) Sunshine Ordinance, (iii) establishing an ethics committee, and (iv) one related to redistricting commission; requires voters approve electeds' salary increase in excess of five percent; and requires certain city to be promptly posted on internet.	1. Include all components in one measure 2. Separate the components: a. Strong mayor b. Redistricting commission c. "Ethics and transparency" issues: i. Ethics committee ii. Code of Ethics iii. Sunshine ordinance iv. Posting of documents, etc. on internet v. Voter approval of major salary increases for electeds 3. Include some, but not other, components 4. Add components?

ISSUE 10: Redistricting Commission

CURRENT CHARTER	SM 3.0	OPTIONS & QUESTIONS
The City Council adopts and amends council district boundaries by ordinance.	A nine-member independent citizens' redistricting commission draws council district boundaries. Council adopts an ordinance that must reflect the commission's plan. Commission member qualifications are set be ordinance, which ordinance also provides for method of member selection and for disclosure of communications with commission members. Mayor and council members could not have any involvement in selection or appointment of members (other than adoption of the initial ordinance).	1. Details of commission member qualification/selection: a. In charter? b. In ordinance? 2. Mayor/Council participation in member selection? a. Yes. i. Recommendation, then current process (mayor appointment with council confirmation) ii. Appointment iii. Other (e.g., committee process) b. No. i. Election ii. One or more local judicial officers iii. City staff iv. Heads of local universities v. Other