

**Meeting Date:** 11/5/2013

**Report Type:** Staff/Discussion

**Report ID:** 2013-00864

**Title: Sacramento Checks and Balances Act of 2014 to the November 2014 Ballot**

**Location:** Citywide

**Issue:** On October 15, 2013, the City Council passed a Motion requesting the Sacramento Checks and Balances Act of 2014, with amendments, be called to the November 2014 ballot.

**Recommendation:** Pass a Resolution calling the Sacramento Checks and Balances Act of 2014 to the November 2014 Ballot.

**Contact:** Matthew Ruyak, Assistant City Attorney, (916) 808-5346, Office of the City Attorney

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

**Department:** City Attorney

**Division:**

**Dept ID:**

**Attachments:**

- 1-Description/Analysis
- 2-Background
- 3-2014 Act Revised
- 4-Resolution

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### **City Attorney Review**

Approved as to Form  
Matthew Ruyak  
10/31/2013 1:39:00 PM

### **Approvals/Acknowledgements**

Department Director or Designee: Matthew Ruyak - 10/31/2013 1:37:31 PM

## Description/Analysis

**Issue Detail:** At its October 15 meeting, the city council reviewed and discussed the draft "Sacramento Checks and Balances Act of 2014" (the "2014 Act"). After discussion, the city council passed a motion to have the city attorney bring to the city council language necessary to place the 2014 Act, with requested amendments, on the November 2014 ballot.

**Policy Considerations:** The 2014 Act is a proposed revision of the Sacramento City Charter. All charter changes require voter approval.

**Economic Impacts:** None.

**Environmental Considerations:** None.

**Sustainability:** Not applicable.

**Commission/Committee Action:** None.

**Rationale for Recommendation:** Not applicable.

**Financial Considerations:** The city has not yet received from the County of Sacramento the estimated cost for each measure placed on the November 2014 ballot. In 2012, the first measure on the November ballot cost \$155,000.

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

## **BACKGROUND**

### **Introduction**

At its October 15 meeting, the city council reviewed and discussed the draft “Checks and Balances Act of 2014” (the “**2014 Act**”). The 2014 Act is a proposed revision of the Sacramento City Charter, and all charter changes require voter approval. After discussion, the city council passed a motion to have the city attorney bring to the city council language necessary to place the proposed charter revision on the November 2014 ballot. The passed motion included numerous changes to the draft 2014 Act, which changes are summarized below.

The motion also included direction to the city attorney and city clerk to bring to the council, on an unidentified date, additional suggestions for charter language changes that are consistent with the 2014 Act.

### **Council’s Requested Changes to Draft 2014 Act**

In its October 15 motion, council requested ten specific changes to the draft 2014 Act:

1. Remove the requirement that mayor and councilmember salary increases over 5 percent be approved by the voters.
2. Remove the requirement that councilmembers deal solely through the mayor or city manager, so that councilmembers can work directly with department heads.
3. Remove proposed term limits for councilmembers.
4. Establish an ethics committee similar to the oversight committee established in 2012’s Measure U – Transactions and Use Tax.
5. Establish a neighborhood advisory committee, with the operational and other details to be as provided in an ordinance.
6. Change the council’s meeting frequency to a minimum of twice per month, with more as council deems necessary.
7. Setting mayoral term limits at two lifetime terms.
8. Giving council 30 days to act on the mayor’s city manager appointment.
9. Requiring the mayor to give notice to the council before removing the city manager.
10. Requiring a balanced budget by June 30.

## Responses to Council's Requests and Re-drafted Act

Attached to the proposed Resolution is a clean copy of the 2014 Act, reformatted to city measure adoption format.

Council's requests are addressed as follows:

1. *Mayor/Council salaries – Charter § 29.* The proposed additional clause at the end of the paragraph has been deleted. The proposed deletion of the penultimate sentence (which refers to a time long past) remains.
2. *Councilmember dealings with department heads – Charter § 62.*  
The language of the second paragraph has been changed from:  
  
"The city council and its members shall deal solely and directly through the mayor with respect to the part of city government under the direction and supervision of the city manager; provided, that nothing herein shall limit the power of the city council, or members thereof, to do the following: . . ."  
  
To:  
  
"The city council and its members may deal directly with the city manager and department heads with respect to the part of city government under their control or supervision. Additionally, nothing herein shall limit the power of the city council, or members thereof, to do the following: . . ."  
  
3. *Councilmember term limits – Charter § 26.* The proposed provisions following the original sentence are deleted. The deletion of the reference to the mayor in the first sentence remains.
4. *Establishment of Ethics Committee – New Charter § 37.* A new section is added to Article III of the charter to describe the proposed Ethics Committee. This section immediately follows the section requiring the Code of Ethics Ordinance. And for organizational purposes, the two suggested committees – the Ethics Committee and the Neighborhood Advisory Committee – are placed in the article covering the city council, as these will be council-oriented committees. That is, based on the comments at the October 15 council meeting, it was assumed these are not to be "boards or commissions" covered in Article XV of the charter.

However, the language of the section regarding contents of the ordinance is modeled on Charter section 230.

5. *Establishment of Neighborhood Advisory Committee – New Charter § 38.* The proposed language here is modeled after the proposed Ethics Committee section, as described above.
6. *Council Meeting Frequency – Charter § 31.* The first part of Section 31(a) has been changed from:

“The city council shall hold regular meetings at such times and places as may be fixed by resolution, except that the council shall meet after 5 p.m. not less than one evening each week; provided, however, that the city council may, in its discretion, designate up to four weeks per year during which a regular council meeting need not be held.”

To:

“The city council shall hold regular meetings at such times and places as may be fixed by annual resolution, except that the council shall hold at least two regular meetings per calendar month. Meeting times and places may be added or changed according to city council’s adopted rules of procedure.”

Several differences to note: (1) regular meetings are not weekly, but twice per calendar month; (2) because of that change, there is no need to call out weeks when meetings need not be held; (3) the specification of a specific start time has been deleted; and (4) council is given discretion to define the process for adding necessary meetings. All of these are intended to grant the city council flexibility in setting its meeting schedule.

7. *Mayoral Term Limits – Charter § 43.* The second sentence has been changed to limit a person to two full terms as mayor. The final proposed sentence regarding non-successive terms has been removed, as the council’s direction was for lifetime limits similar to the President of the United States. The other proposed changes – regarding counting of partial terms and terms served prior to the Act’s effective date – remain.

8. *Council's Action on City Manager Appointment – Charter § 60.* The time for council's action on the city manager appointment has been changed from "10 business days" to "30 days."
9. *Notice to Council of City Manager Removal – Charter § 60.* A sentence has been added to the end of Section 60. This sentence is similar to the one included in the 2012 proposal, but adds the ten-day qualifier. The notice provides a period of informal consultation between the council and the mayor. The requirement does not restrict the mayor's ability to suspend the city manager between notice and removal.
10. *Timely Balanced Budget.* No change has been made. The council discussion of this issue focused on the need to ensure timely budget adoption given the proposed new budget adoption process, including potential mayoral veto. As presented, the 2014 Act requires the mayor to propose the budget 90 days before the commencement of the fiscal year. That is 30 days more than the current charter. The proposal also requires the council to hold two public hearings before the adoption, but it must adopt the budget resolution at least 30 days before the commencement of the fiscal year. That does leave enough time for the proposed veto-override process, which has its own tight timelines.

In addition to the express changes requested by council, a few minor additional changes have been made:

11. *Title description – Section 1 of the Act.* "This charter amendment is" has been changed to "These charter amendments are . . . ." This is simply to account for the reformatting of the proposal.
12. *Adding subsection letters – Charter §§ 45, 46.* Since these sections now contain large separate paragraphs, subsection letters have been added, which is consistent with other charter sections.
13. *Effective Date – Section 30 of the Act.* The proposed effective date is firm; the alternative effective has been deleted. Under state law, charter amendments shall not take effect until filed with the Secretary of State. That does not happen until the city certifies the vote, prepares the necessary documentation, and submits copies to

the Secretary of State. The city's vote certification would be the same date the city certifies the vote for elected officials (if there are November run-offs), and the officials are sworn into office. Thus the proposed alternative date creates the possibility – if not likelihood – that the Act seeks to become effective before state law allows.

### **Question to be Presented to Voters**

The attached Resolution, which calls the measure to the ballot, includes the question as it will appear on the ballot. The question, quoted below, must be 75 words or less. (Note: "City of Sacramento" is counted as one word, as is the date at the end.)

"Shall the City of Sacramento Charter be revised to: change to a mayor-council government; make the mayor chief executive officer who appoints/removes the city manager, proposes the budget, and has ordinance and budget veto powers; create an independent redistricting commission; require a Code of Ethics Ordinance and Sunshine Ordinance; establish an Office of Independent Budget Analyst; and make other government process changes; with most changes subject to voter re-approval by 11/03/2020?"

### **Additional Steps**

Whenever the city council calls a measure on the ballot, it is usual practice for council to also take the following steps: (1) direct the city attorney to prepare an impartial analysis; and (2) select from among its members argument authors (for or against). The call of the present measure, however, is happening unusually early and the Clerk advised that she will provide the call for the election in late November 2013. Following Council adoption of this resolution we will provide the impartial analysis and opportunity for Council selection of argument authors in late November 2013 when the Clerk provides the call for the election.

Additionally, council's motion included a direction to the city attorney and city clerk: return with additional suggested charter changes that are consistent with the 2014 Act. The charter officers will return with sufficient time before the deadlines associated with the November 2014 election, so that council can consider including those changes with this measure or otherwise placing additional measures on the ballot.

## **The Sacramento Checks and Balances Act of 2014**

### Section 1. Title.

These charter amendments are titled and may be cited as the “Sacramento Checks and Balances Act of 2014” (hereinafter, the “Act”).

### Section 2. Findings and Purpose.

#### A. Findings.

1. Voters consistently express a desire for more accountability and transparent checks and balances in city government.
2. Currently, voters have a limited ability to hold key decision-makers clearly, directly, and consistently accountable for how they spend taxpayer dollars, make major decisions of city management, and administer city programs and services.
3. Currently, all powers are concentrated exclusively in a single entity, the city council, which results in a system that blurs accountability for distinct executive and legislative powers, and denies voters a system of basic checks and balances on power that are hallmarks of the American democratic system.
4. Voters expect and deserve high standards for ethical behavior, transparency, and citizen engagement in all aspects of city government, including but not limited to the oversight of city officials and the determination of boundaries for city council districts.
5. Voters will demonstrate greater trust and support for a city government that ensures the mayor, city council, and city departments are held accountable to the will of the voters through reforms that establish clear lines of accountability and adequate checks and balances between executive and legislative functions, including strong provisions for ethical and transparent behavior.
6. The City’s current governance system was established nearly 100 years ago for a far smaller, less diverse and less complex city.

7. Modernizing the City Charter is an essential step in the City's evolution to meet the challenges and opportunities of the 21st Century.
8. This Act, therefore, amends the City Charter to include a series of reforms to create more accountability and transparent checks and balances, most of which on a trial basis, so that the people of Sacramento may assess the Act's effectiveness and affirmatively vote to make the amendments permanent, if they so desire.

B. Purpose.

The purpose of this measure is to establish greater accountability and stronger checks and balances, including more robust ethics and transparency provisions, on a trial basis, to better ensure that the agenda, budget, leadership and day-to-day management of the City of Sacramento are directly informed by and aligned with the will of the voters, and effectively communicated to the residents of Sacramento by their elected representatives.

Section 3. City of Sacramento Charter Amendment.

The Sacramento City Charter is amended as follows (deletions shown in ~~strikethrough~~ and new text shown in *italics*; sections of the Charter not being amended by the Act are not duplicated below):

**Article III. The City Council**

**§ 21 Composition.**

(a) The legislative body of the city shall be a city council of ~~nine members, consisting of the mayor and eight other members. Each council member other than the mayor shall be~~ *eight members* nominated and elected by the electors of the district in which such person resides as provided in Article X.

(b) *At the first city council meeting in January of each year, the city council shall elect one of its members to serve as council president, and another of its members to serve as council vice-president, during the ensuing calendar year.*

## **§ 22 Districts.**

The city is hereby divided into eight council districts, designed First through Eighth Districts, respectively. Council districts in existence upon the effective date of this Charter shall continue to exist until altered as provided in Section 24. The Title of the office of each member of the council ~~other than the mayor~~ shall bear the number accorded the district of such member.

## **§ 24 Reapportionment of districts.**

*(a) There shall be established an independent citizens' redistricting commission of nine members whose function shall be to establish the boundaries of the city council districts in accordance with Section 23 following each decennial federal census. The members of the independent citizens' redistricting commission shall serve without compensation. The City shall fund the expenses of the commission and provide meeting facilities and staff to assist the commission. No later than 180 days of the operative date of this section, the city council, in consultation with the mayor, shall pass an ordinance to establish the qualifications of commission members and to specify those factors that are disqualifying in order to ensure independence. The ordinance shall also provide for a method to select or appoint the persons to serve on the commission that ensures independence, including but not limited to a prohibition against any involvement by the mayor or members of the city council in the selection or appointment of the commission members, and for disclosure of communications with commission members that occur outside of a public meeting.*

*(ab) Within six months after a regular United States census, the ~~city council~~ independent citizens' redistricting commission, using a public, transparent, and accessible process, shall examine the boundaries of each council district for compliance with the population standard set forth in Section 23 and ~~by ordinance~~ shall adopt and transmit to the city council for its enactment by ordinance, a plan to modify the boundaries of districts, if necessary, to bring all district boundaries into compliance with said standard, and with the other criteria set forth in Section 23. The term a "regular United States census" shall mean a comprehensive population census which is held at regular intervals prescribed by Congress and produces population data equivalent to that described as "Block Data" in the 1970 decennial census.*

*(bc) For purposes of this section the six-month period shall begin upon the availability of population data equivalent to that described as "Block Data" in the 1970 census.*

## **§ 25 Redistricting.**

District boundaries ~~may~~ *shall only* be changed by ordinance of the city council, *which ordinance shall reflect, without alteration, the final adopted boundaries of the independent citizens' redistricting commission, provided* that ~~any such revised district boundaries shall comply with the population standard set forth in Section 23~~ except that territory annexed or consolidated with the city shall at the time of such annexation or consolidation be added by ordinance to an adjacent district or districts, *without the involvement of the independent citizens' redistricting commission,* pending the *next, subsequent* examination of district boundaries as provided in ~~Paragraph (b) of~~ Section 24.

**§ 26 Terms of office.**

Each member of the city council ~~other than the mayor~~ shall serve for a term of four years and until a successor qualifies.

**§ 27 Qualifications of members.**

Each member of the council or candidate therefore, ~~other than for the office of mayor,~~ at the date of candidacy and election or appointment, shall be an elector and a resident in such member's district for not less than 30 days preceding the date of candidacy and election or appointment, as the case may be, and must continue to reside in such district during the term of office, except that no boundary change under Section 24 or 25 shall disqualify a member from serving the remainder of the term. The term "elector" means a person who qualifies to vote at either a state election or federal election held in the State of California. "Date of candidacy" shall mean the date of filing nominating papers or equivalent declaration of candidacy.

**§ 28 Vacancies.**

A vacancy on the city council ~~other than the office of the mayor~~ shall be filled by special election to be called by the council as provided in Section 154 of this Charter, unless such vacancy occurs within one year of the next general election at which such office would normally be filled, in which case the vacancy shall be filled by appointment by a majority of the remaining members of the council. A person elected or appointed to fill a vacancy shall hold office for the unexpired term of the former incumbent.

Absence from five consecutive regular meetings of the city council, unless excused by resolution of the council, shall operate to vacate the seat of the ~~mayor or council member~~ so absent.

### **§ 29 Compensation.**

There shall be established a compensation commission whose function shall be to establish the compensation for the mayor, members of the city council, and public members of city boards and commissions. The commission shall be comprised of five members selected pursuant to Section 230 of Article XV of this Charter for staggered four-year terms. The chair of the commission shall be a retired judicial officer and all members shall be residents of the City of Sacramento. The commission shall meet at least once a year and shall serve without compensation. The city shall fund the expenses of the commission. ~~Within one hundred eighty (180) days of passage of this measure, the commission shall set the compensation for the mayor and members of the city council.~~ Compensation shall be reasonable and consistent with other cities similar in size and structure.

### **§ 31 Meetings.**

(a) The city council shall hold regular meetings at such times and places as may be fixed by *annual* resolution, except that the council shall *hold at least two regular meetings per calendar month* ~~meet after 5 p.m. not less than one evening each week; provided, however, that the city council may, in its discretion, designate up to four weeks per year during which a regular council meeting need not be held.~~ *Meeting times and places may be added or changed according to city council's adopted rules of procedure. In order to improve citizen involvement and accessibility to meetings, the city council shall hold at least two open city council meetings per year outside of its chambers, but within the city limits and at locations with a maximum capacity that meets or exceeds that of council chambers.*

(b) All meetings of the city council and its committees shall be, *at minimum*, called and conducted in the manner prescribed by State laws regarding matters of statewide concern which are in effect at the time of the meeting, *as well as in the manner as may be prescribed by the Sunshine Ordinance adopted by the city council pursuant to Section 36 of this Charter.*

### **§ 32 Ordinances.**

(a) Every proposed ordinance shall be introduced in writing. The enacting clause of each ordinance enacted by the council shall be "Be it Enacted by the Council of the City of Sacramento." The enacting clause of each ordinance enacted by the initiative or referendum process shall be "Be it Enacted by the People of the City of Sacramento." Each ordinance shall contain a title which shall state in general terms the subject or subjects contained in the ordinance.

(b) *Subject to Section 47 of this Charter, and* Except as otherwise provided elsewhere in this Charter, and with the exception of ordinances which take effect immediately upon adoption, ordinances shall be adopted in compliance with either the procedure set forth in Subsection (c) or Subsection (d) of this section.

(c) The ordinance shall be first passed by the council for publication of title. At least six days shall elapse between the date the ordinance was passed for publication of title and the date it is adopted by the council. The title of the ordinance shall be published by printing said title in a newspaper of general circulation published within the City designated by the council as the official newspaper of the City, no later than the third day immediately preceding the date of the adoption of the ordinance. No part of any ordinance, or proposed ordinance, other than its title, need be published.

(d) In lieu of the procedure set forth in Subsection (c) of this section, ordinances shall be published in the official newspaper of the City within ten days after adoption by the council.

(e) Ordinances which take effect immediately upon adoption, may be adopted without compliance with Subsections (b), (c) or (d) of this section.

(f) Except as otherwise provided in this Charter, each adopted ordinance shall become effective at the expiration of thirty (30) days after adoption or at any later date specified therein.

(g) The following ordinances shall take effect immediately upon adoption or at such later dates, of less than thirty (30) days after adoption, as may be specified in the ordinances:

(1) An ordinance calling for or otherwise relating to an election;

(2) An ordinance adopted as and declared by the city council to be an emergency measure, containing a statement of the facts constituting such emergency, if adopted by the affirmative votes of at least six members of the council; provided, that no measure making a grant, renewal or extension of a franchise or other special privilege or regulating the rate to be charged for its service by a public utility, other than one operated by the city, may be so enacted; and

(3) An ordinance adopted pursuant to a state law by virtue of which such ordinance shall be effective immediately.

(h) Nothing contained in this section shall be deemed to require an ordinance when an ordinance is not otherwise required.

### **§ 35 Limitation on future employment.**

No member of the council *or the mayor* during the term for which such person shall have been elected or appointed or for one year after such person ceases to hold office, shall be eligible for any appointive office or position in the city, carrying compensation, and created by this Charter, by ordinance or by resolution. An elective office which has been filled by appointment by reason of a vacancy in that office shall not be considered an appointive office under this section.

### **§ 36 Ethics and Sunshine Ordinances.**

*To assure public confidence in the integrity of elected and appointed city officials and to provide greater transparency in local city government, the city council shall no later than 180 days after the operative date of this Section: (1) by ordinance, adopt a Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees, including provisions for the removal from office of any elected official who substantially violates the adopted Code of Ethics and Conduct; and (2) adopt a Sunshine (open government) Ordinance, which shall liberally provide for the public's access to city government meetings, documents, and records.*

### **§ 37 Ethics Committee**

*The city council may establish by ordinance an Ethics Committee for the purpose of reviewing and monitoring the Code of Ethics ordinance described in Section 36, and for such other purposes as prescribed in the ordinance.*

*The ordinance may prescribe qualifications and conditions of service on the committee, including compensation and reimbursement for expenses, terms of office, method of appointment, and removal. The ethics committee is not a board, commission, or advisory agency for purposes of Article XV or Section 40.*

### **§ 38 Neighborhood Advisory Committee**

*The city council may establish by ordinance a Neighborhood Advisory Committee for the purpose of considering the interests of the city's neighborhoods, and for such other purposes as prescribed in the ordinance. The ordinance may prescribe qualifications and conditions of service on the committee, including compensation and reimbursement for expenses, terms of office, method of appointment, and removal. The Neighborhood Advisory Committee is not a board, commission, or advisory agency for purposes of Article XV or Section 40.*

## **Article IV. Mayor**

### **§ 40 Mayor—Functions.**

(a) *The ~~presiding~~ chief executive officer of the city shall be the mayor, who shall have the executive and administrative authorities, powers, and responsibilities of the city as provided herein, including but not limited to the power and duty to execute and enforce all laws, ordinances, and policies of the city.*

(b) The mayor:

(1) Shall be recognized as the official head of the city for the performance of all duties lawfully delegated to the mayor by this Charter, by action of the council or by other laws.

(2) Shall provide leadership within the community in the sense that the mayor shall have the primary, but not exclusive, responsibility of interpreting the policies, programs and needs of city government to the people, and as the occasion requires, may inform the people of any change in policy or program, *and (a) shall appear before the public to deliver a general address on the State of the City, and to recommend the adoption of such measures as the mayor may deem expedient and proper; and (b) shall*

*also conduct two additional open public town hall meetings during the year to solicit and respond to comments, concerns, or questions from the public, which meetings shall be noticed to the public not less than two weeks in advance;*

(3) Shall have the right but not the exclusive power to make recommendations to the city council on matters of policy and programs that require council decisions;

(4) ~~Shall have the right, but not the obligation, to attend and be heard at any regular or special open session or closed session meeting of the city council, but not the right to vote at such meetings~~~~be a member of the city council and shall be entitled to make and second motions on matters before the city council and vote on city council actions, but shall possess no veto power over actions of the city council;~~

~~(5) Shall be included within the terms "council" and "city council" used in this Charter unless otherwise expressly provided;~~

(56) May propose ordinances and resolutions which shall be considered by the city council;

(6) *Shall propose a budget to the city council not later than 90 days prior to the commencement of each fiscal year, and shall have the power to veto the budget resolution adopted by the city council pursuant to Section 111 of this Charter;*

(7) *May approve or veto ordinances passed by the city council pursuant to Section 47 of this Charter;*

(8) *Shall appoint the city manager subject to confirmation by a majority vote of the city council, and may remove the city manager pursuant to Section 60 of this Charter;*

(79) Shall appoint and may remove members of the boards and commissions and advisory agencies in accordance with Article XV except as otherwise provided in this Charter;

(810) Shall have and exercise such other powers and duties as *delegated to the mayor by the city council and as provided in this Charter, the laws of the state, and ordinances and resolutions of the city.*

### **§ 43 Mayor—Term.**

The term of office of mayor shall be four years and until a successor qualifies. *No person may serve more than two full terms as mayor. Any term that commenced prior to the effective date of this section shall not count towards the term limit. Terms as a member of the city council shall not be counted towards the term limit as mayor. A partial term is equal to or less than two years. A partial term shall not be counted as a full term for purposes of the term limit.*

### **§ 45 ~~Vice-Acting Mayor; Mayor Pro Tem.~~**

~~At the first council meeting in January of each year, the city council shall elect one of its members, other than the mayor, to serve as vice-mayor during the ensuing calendar year.~~

(a) ~~During any absence of the mayor from the city or a meeting of the city council, the vice-mayor council president shall be the acting mayor until the mayor returns. In addition, if the mayor becomes incapable of acting as mayor and incapable of delegating duties, or if a vacancy exists in the office of mayor, the vice-mayor council president shall become the acting mayor.~~

(b) ~~In the event of the absence, vacancy in office or inability of both the mayor and vice-mayor-council president to perform their duties, the council vice-president shall~~ ~~may appoint one of its members to serve as mayor pro tem. The mayor pro tem shall temporarily act in the capacity of an acting mayor. Any person serving as an acting mayor under this section shall continue to hold office as a member of the city council.~~

~~(c) An acting mayor shall possess all powers of the office of mayor and shall be subject to all prescribed duties for such office. Any person serving as acting mayor under this section shall be vested with the authority to supervise the staff remaining employed in the office of the mayor, to direct and exercise control over the city manager in managing the affairs of the city under the purview of the mayor and to exercise other power and authority vested in the office of the mayor when the exercise of such power and authority is required by law. This limited authority includes circumstances where the expeditious action is necessary to meet a legal requirement imposed by a court or another governmental agency. Such limited authority does not include the exercise of the power of any veto or~~

*any other discretionary privilege that is enjoyed by a person appointed or elected to the office of mayor.*

**§ 46 Mayor—Vacancy.**

*(a) The office of mayor shall be declared vacant by the city council when the person elected or appointed thereto fails to qualify within ten days after his or her term is to begin, dies, resigns, ceases to be a resident of the city or is continuously absent from the city for a period of more than 30 days without permission from the city council, is convicted of a felony, is judicially determined to be an incompetent, is permanently so disabled as to be unable to perform the duties of the office of mayor, forfeits the office under any provision of this Charter, or is removed from office by judicial procedure. A finding of disability shall require the affirmative vote of at least six members of the city council after considering competent medical evidence bearing on the physical or mental capability of the mayor.*

*(b) A vacancy in the office of the mayor shall be filled by special election to be called by the city council as provided in Section 154 of this Charter, unless such vacancy occurs within one year of the next general election at which the office of mayor would normally be filled, in which case the vacancy shall be filled by appointment by a majority of the members of the city council then in office. A person elected or appointed to fill a vacancy in the office of mayor shall hold office for the unexpired term of the former incumbent.*

*(c) During the period of time when an appointment or election is pending to fill a vacancy in the office of mayor, the provisions in Section 45 herein shall control.*

**§ 47 Mayor—Approval or Veto of Council Ordinances.**

*(a) The mayor shall have veto power over all ordinances passed by the city council except ordinances as provided for in Section 32(g), ordinances required by state law, ordinances required by Section 25, or ordinances that, pursuant to this Charter, are wholly within the exclusive purview of the city council.*

*(b) Except as otherwise provided in this Charter, each ordinance adopted by the city council shall become effective at the expiration of 30 days after adoption and approval by the mayor, or deemed approval, or the override of*

*a mayoral veto pursuant to this Charter, or at any later date specified therein.*

*(c) Except as otherwise provided in this Charter:*

*(1) An ordinance adopted by the city council shall be transmitted to the mayor within 48 hours by the City Clerk for the mayor's approval or veto.*

*(2) The mayor shall have ten business days from the date of transmittal by the City Clerk to approve or veto the ordinance and inform the City Clerk in writing of the action taken. If the mayor fails to act within such period, the ordinance shall be deemed approved.*

*(3) If the mayor vetoes the ordinance, the mayor shall state the reasons for such veto in writing, which shall be transmitted to the city council by the City Clerk within 48 hours. The city council shall have 30 days from the date of transmittal by the City Clerk to reconsider the ordinance. If after such reconsideration, at least six council members vote in favor of passage of the ordinance, that ordinance shall become effective notwithstanding the mayor's veto. If the vetoed ordinance does not receive the affirmative votes of at least six council members after reconsideration, the ordinance shall not be approved or enacted and shall have no legal effect.*

## **Article V. City Manager**

### **§ 60 City Manager—Appointment, qualifications and removal.**

*There shall be a city manager who shall be appointed by the city council/mayor subject to confirmation by a majority vote of the city council. The mayor shall reinitiate the appointment process if, within ten business days of the appointment being made, a majority of the city council votes to reject confirmation of the appointment. If the city council fails to confirm or reject an appointment within 30 days of the appointment being made by the mayor, the appointment of the city manager shall be deemed approved by the city council. The city manager shall be selected solely on the basis of executive and administrative qualifications. Prior to making an appointment of the city manager for confirmation by a majority vote of the city council as described in this Section, the mayor shall hold an open public meeting where members of the public may propose questions regarding the executive and administrative qualifications of the candidate(s) for city manager. The city manager shall be appointed by and shall serve at the pleasure of the city*

~~council~~mayor and can be removed from office by the mayor at will, with or without cause. The mayor shall advise the city council ten days before removing the city manager.

## **§ 61 Functions.**

The city manager shall be the chief-executive *administrative* officer of the city and shall be responsible for the effective administration of the city government. *Acting on the mayor's behalf and in furtherance of the mayor's powers, the city manager shall have the power and it shall be the city manager's duty:*

- (a) *To assist the mayor in seeing that all laws and ordinances are enforced;*
- (b) *To administer and exercise supervision and control over all offices, departments and services of the city government under the jurisdiction and control of the ~~city manager~~ mayor;*
- (c) *To the extent requested by the city council, ~~t~~o act in an advisory capacity to the city council with respect to officials not under the jurisdiction and control of the city manager or mayor;*
- (d) *Except as otherwise provided in this Charter, to appoint all heads or directors of departments of the city and all subordinate officers and employees with power to discipline and remove any officer or employee so appointed, subject to the civil service provisions of this Charter; provided, further, that all officers and employees of the city appointed by the city manager who are exempt from the rules and regulations of the civil service board pursuant to Charter Section 83 may be suspended or removed at the pleasure of the city manager.*
- (e) *To make such recommendations to the mayor and city council as the city manager shall deem appropriate concerning the operation, affairs and future needs of the city;*
- (f) *~~T~~o Under the direction of the mayor, attend all regular and special public meetings of the city council with the right to participate in the discussion of matters pending before the council but without the right to vote on such matters;*
- (g) *To see that all terms or conditions imposed in favor of the city or the people of the city in any contract franchise, lease or permit are faithfully*

kept and performed; and upon knowledge of any violation thereof to notify the city council of such violation;

(h) When authorized to do so by the provisions of this Charter or by ordinance or resolution, to execute, on behalf of the city all contracts, franchises, lease or permits or any other document requiring the execution of which is required by an officer of the city;

(i) To keep the *mayor and the city council* fully advised as to the operations, financial conditions and needs of the city;

(j) To *assist the mayor in preparing* the annual budget in accordance with Charter Section 111.

(k) To perform such other duties consistent with this Charter as may be prescribed by the ~~city council~~ *mayor*.

## **§ 62 Non-interference with City Manager.**

No member of the city council shall directly or indirectly coerce or attempt to coerce the city manager relative to the appointment or removal of any city officer or employee which is made by the city manager, ~~but prior to the making of any appointment or removal of any head or director of any department or division of the city, the city manager shall endeavor to advise the city council of his intention to do so.~~

The city council and its members *may deal directly with the city manager and department heads with respect to the part of city government under their control or supervision.* ~~shall deal solely and directly through the city manager with respect to the part of city government under the direction and supervision of the city manager; provided~~ *Additionally,* that nothing herein shall limit the power of the city council, or members thereof, to do the following:

(a) to conduct investigations as provided in Section 34 of this Charter, or

(b) to contact officers and employees of the city for the purpose of inquiry or obtaining information that is a public record, or

(c) to contact officers and employees designated by the city manager for the purpose of advising said officers and employees of citizen complaints relating to the operation of city government.

## **~~§ 63 Removal of City Manager~~**

~~The city manager cannot be removed from office except by a vote of six members of the city council. The city manager shall not be subject to removal from office within twelve months of the date that the city manager first assumes the duties of office except for incompetence, malfeasance, misfeasance or neglect of duty. If the removal is proposed within the first twelve months, the city manager may demand written charges and a public hearing before the city council prior to the date upon which his removal becomes effective; but the decision of the city council shall be final, conclusive and binding upon the city manager, and pending such hearing the council may suspend the city manager from duty without loss of normal compensation.~~

## **Article VI. Other Appointive Officers**

### **§ 70 Appointive Officers.**

The following other city officers shall be appointed by the city council:

- (a) City Clerk;
- (b) City Attorney;
- (c) City Treasurer; and
- (d) Such other officers and employees of its own body as it deems necessary.

*The City Clerk, City Attorney, and City Treasurer shall be appointed only after at least one open city council meeting where members of the public may propose questions regarding the qualifications of the candidate(s) for each appointive office.*

### **§ 73 City Treasurer.**

The city treasurer shall be responsible for the deposit and investment of all funds of the city treasury not made subject to the control of others pursuant to this Charter. The city treasurer shall keep the city council *and the mayor* fully advised as to the deposit and investment of funds subject to his control. The city council shall prescribe the qualifications, additional duties, and compensation of the city treasurer. The city treasurer shall appoint, subject

to the civil service provisions of this Charter, such deputies and employees as the council may by resolution prescribe.

**§ 76 Duty to inform council *and* mayor.**

Each appointive officer specified in Section 70 shall have the duty to promptly and fully inform the city council *and the mayor* of any act of misfeasance or malfeasance known to said appointive officer to have been committed by any officer or employee of the city if such act might significantly and adversely affect the finances or operations of the city. The city council, by ordinance or resolution, may further define the procedures and provisions determined to be necessary to implement and operate under this section.

**Article IX Fiscal Administration**

**§ 111 Budget.**

*(a) The Office of Independent Budget Analyst shall hereby exist as a city department whose designated function is to assist and advise the city council in conducting budgetary inquiries and in making budgetary decisions. The independent budget analyst is the administrative head of the department and shall be appointed by a majority vote of the city council. 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. The qualifications and duties of the independent budget analyst shall be established by the city council by ordinance.*

*(b) All budgets shall be adopted pursuant to the following process:*

- (1) Each department, office and agency of the city shall provide in the form and at the time directed by the city manager all information required by the city manager to assist the mayor to develop a budget conforming to modern budget practices and procedures as well as specific information which may be prescribed by the council. Not later than 6090 days prior to the commencement of each fiscal year or such greater period as the council may prescribe, the mayor, with the assistance of the city manager, shall prepare and present to the city council, in such form and manner as it may prescribe, budget recommendations for the next succeeding fiscal year. The city council shall hold a*

*minimum of two public hearings on the proposed budget, the first of which shall occur no later than 15 days after the mayor's budget recommendations are presented to the city council. No later than 30 days prior to the commencement of the fiscal year and following at least two public budget hearings, the city council shall adopt by resolution a budget of proposed expenditures and appropriations necessary therefore for the ensuing year. Upon the request of the city council, the independent budget analyst shall provide to the city council an independent analysis of the proposed budget.*

- (2) *The City Clerk shall immediately and within 24 hours transmit the budget resolution to the mayor. The mayor shall within ten days of receipt of the proposed budget, either approve the budget as proposed by the city council, veto the entire proposed budget or veto any part of the proposed budget by reducing or eliminating any line item while approving other portions of the proposed budget; provided, however, that the mayor cannot exercise the line item veto on the specific portion of the proposed budget relating directly to the city council's own internal expenditures. The mayor shall append to the proposed budget a statement identifying any items reduced or eliminated and the reasons for the action. Any and all portions of the proposed budget approved by the mayor shall become effective immediately. If the mayor vetoes all or any line item within such proposed budget, those portions shall not be effective, and the City Clerk shall transmit the vetoed proposed budget, together with the veto statement from the mayor, to the city council immediately and within 24 hours. The city council shall thereafter and within ten days of such transmittal reconsider the proposed budget and mayor's vetoes. If the council is in official recess at the time of transmittal of the vetoed proposed budget, the ten day period shall begin immediately upon the end of the recess period. If the mayor vetoes the entire proposed budget, and at least six council members vote to override the mayor's veto, the proposed budget as approved by the city council shall become effective immediately. Line items reduced or eliminated by the mayor shall be separately reconsidered and, if at least six*

*council members vote to override the mayor's veto of that line item, the line item as proposed by the city council shall become effective immediately, notwithstanding the mayor's veto. If at least six council members do not vote to override the mayor's veto of a line item after reconsideration, the elimination or reduction of the line item by the mayor shall become effective immediately.*

- (3) *If a budget is not approved prior to the start of the fiscal year, failing which the appropriations for current operations of the last fiscal year shall be deemed effective until the new budget and appropriation measures are adopted.*

*(c) The budget may be amended, revised, or modified during the fiscal year in accordance with the procedure established by the council pursuant to the process set forth above in Subsection (b) on a timeline not to exceed 90 days, which timeline shall start on the date the mayor, either after a request by the city council to do so or on the mayor's own initiative, transmits the proposed budget amendment, revision, or modification to the city council.*

#### Section 4. Operative Date; Trial Period and Reauthorization by Voters.

A. If this Act is approved by a majority of the voters voting on the issue, the Act shall become operative on January 1, 2015.

B. The amendments to Sections 24 ("Reapportionment of districts") and 25 ("Redistricting") of the City of Sacramento Charter set forth in this Act shall remain in effect indefinitely, and may only be amended by a majority of the voters of the City of Sacramento voting in an election held in accordance with the law.

C. All provisions of this Act except amendments to Sections 24 ("Reapportionment of districts") and 25 ("Redistricting") of the City of Sacramento Charter shall be known as "Sunset Provisions". In order to assess their effectiveness, the Sunset Provisions shall remain in effect until December 31, 2020, at which time the Sunset Provisions shall be automatically repealed and removed from the Charter. To ensure the people have an opportunity to consider the permanency of the Sunset Provisions before they are automatically repealed, the city council shall place a

measure on the ballot at an election no later than November 3, 2020 to consider amendments to the Charter to make the Sunset Provisions permanent effective January 1, 2021, which may include but not be limited to an amendment to provide for a ninth city council seat elected by district. However, the city council and the people expressly reserve the right to propose changes to the Charter at the November 3, 2020 election or sooner, including without limitation, changes to extend, make permanent, shorten or repeal the effective period of this Act.

D. If the voters do not make the Sunset Provisions permanent on or before December 31, 2020, such that the Sunset Provisions cease to be operative, the mayor shall become a member of the council, serving as an at-large member, effective January 1, 2021. If the voters shorten the operative period or repeal this Act prior to December 31, 2020, such that the Sunset Provisions cease to be operative, the mayor shall become a member of the council, serving as an at-large member, effective as soon as legally practicable.

#### Section 5. Implementation.

Upon the effective date of this Act, the City shall proceed as expeditiously as possible to implement this Act, including but not limited to promptly updating the Sacramento City Code, Ordinances and Resolutions to conform to the Charter amendment set forth in Section 3 herein. The City and its elected officials may immediately, upon the effective date of this Act, begin taking the necessary steps to prepare for its operation pursuant to Section 4.

#### Section 6. Severability.

If any portion, section, subsection, paragraph, subparagraph, sentence, clause or application of this Act is held invalid or inapplicable by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity or applicability of any other part of this Act. Consistent with the foregoing, the provisions and applications of this Act shall be deemed severable, and each portion, section, subsection, paragraph, subparagraph, sentence, clause or application of this Act would have been enacted irrespective of the fact that one or more other parts or applications is found to be invalid or inapplicable.

## **RESOLUTION NO. 2013-**

Adopted by the Sacramento City Council

### **CALLING AND GIVING NOTICE OF THE SUBMITTAL TO THE VOTERS A QUESTION OF SACRAMENTO CITY CHARTER REVISION TO BE INCLUDED IN THE GENERAL MUNICIPAL ELECTION OF NOVEMBER 4, 2014**

#### **BACKGROUND**

- A. A General Municipal Election will be held on November 4, 2014.
- B. The California Constitution, Government Code, and Election Code grant the City Council the authority to submit charter amendments and revisions to the voters.
- C. The City Council has considered a proposed measure known as the "Sacramento Checks and Balances Act of 2014," as originally presented to Council and as subsequently amended. The measure proposes numerous amendments to the Sacramento City Charter, which amendments in part and in whole amount to a charter revision.
- D. Council desires to submit the measure to the voters at the November 4, 2014 General Municipal Election.

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

Section 1. The City Council hereby orders that the following question be submitted to the voters in the City of Sacramento, California on Tuesday, November 4, 2014:

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**Measure – Sacramento Charter Revision**

<p>“Shall the City of Sacramento Charter be revised to: change to a mayor-council government; make the mayor chief executive officer who appoints/removes the city manager, proposes the budget, and has ordinance and budget veto powers; create an independent redistricting commission; require a Code of Ethics Ordinance and Sunshine Ordinance; establish an Office of Independent Budget Analyst; and make other government process changes; with most changes subject to voter re-approval by 11/03/2020?”</p>	YES
	NO

Section 2. The proposed measure submitted to the voters is attached as Exhibit A.

Section 3. The ballots to be used at the election shall be in the form and content as required by law.

Section 4. The polls for the election shall open at 7:00 a.m. on the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed, except as provided in section 14401 of the Election Code.

Section 5. In all particulars not recited in this resolution, the election shall be held and conducted as provided by the law for holding municipal elections.

Section 6. Notice of the time and place of holding the election is hereby given and the City Clerk is hereby authorized, instructed, and directed to give further and additional notice of the election in the time, form, and manner required by law.

Section 7. The City Clerk shall certify the passage and adoption of this resolution and enter it into the book of original resolutions.

**Exhibit:**

A – Charter Revision, known as “Sacramento Checks and Balances Act of 2014.”

## **Exhibit A Charter Revision**

### **Section 1.** Title.

These charter amendments are titled and may be cited as the "Sacramento Checks and Balances Act of 2014" (hereinafter, the "Act").

### **Section 2.** Findings and Purpose.

#### A. Findings.

1. Voters consistently express a desire for more accountability and transparent checks and balances in city government.
2. Currently, voters have a limited ability to hold key decision-makers clearly, directly, and consistently accountable for how they spend taxpayer dollars, make major decisions of city management, and administer city programs and services.
3. Currently, all powers are concentrated exclusively in a single entity, the city council, which results in a system that blurs accountability for distinct executive and legislative powers, and denies voters a system of basic checks and balances on power that are hallmarks of the American democratic system.
4. Voters expect and deserve high standards for ethical behavior, transparency, and citizen engagement in all aspects of city government, including but not limited to the oversight of city officials and the determination of boundaries for city council districts.
5. Voters will demonstrate greater trust and support for a city government that ensures the mayor, city council, and city departments are held accountable to the will of the voters through reforms that establish clear lines of accountability and adequate

checks and balances between executive and legislative functions, including strong provisions for ethical and transparent behavior.

6. The City's current governance system was established nearly 100 years ago for a far smaller, less diverse and less complex city.
7. Modernizing the City Charter is an essential step in the City's evolution to meet the challenges and opportunities of the 21st Century.
8. This Act, therefore, amends the City Charter to include a series of reforms to create more accountability and transparent checks and balances, most of which on a trial basis, so that the people of Sacramento may assess the Act's effectiveness and affirmatively vote to make the amendments permanent, if they so desire.

B. Purpose.

The purpose of this measure is to establish greater accountability and stronger checks and balances, including more robust ethics and transparency provisions, on a trial basis, to better ensure that the agenda, budget, leadership and day-to-day management of the City of Sacramento are directly informed by and aligned with the will of the voters, and effectively communicated to the residents of Sacramento by their elected representatives.

**Section 3.** Section 21 of the Sacramento City Charter is amended to read as follows:

Composition.

(a) The legislative body of the city shall be a city council of eight members nominated and elected by the electors of the district in which such person resides as provided in Article X.

(b) At the first city council meeting in January of each year, the city council shall elect one of its members to serve as council president, and another of its members to serve as council vice-president, during the ensuing calendar year.

**Section 4.** Section 22 of the Sacramento City Charter is amended to read as follows:

Districts.

The city is hereby divided into eight council districts, designed First through Eighth Districts, respectively. Council districts in existence upon the effective date of this Charter shall continue to exist until altered as provided in Section 24. The Title of the office of each member of the council shall bear the number accorded the district of such member.

**Section 5.** Section 24 of the Sacramento City Charter is amended to read as follows:

Reapportionment of districts.

(a) There shall be established an independent citizens' redistricting commission of nine members whose function shall be to establish the boundaries of the city council districts in accordance with Section 23 following each decennial federal census. The members of the independent citizens' redistricting commission shall serve without compensation. The City shall fund the expenses of the commission and provide meeting facilities and staff to assist the commission. No later than 180 days of the operative date of this section, the city council, in consultation with the mayor, shall pass an ordinance to establish the qualifications of commission members and to specify those factors that are disqualifying in order to ensure independence. The ordinance shall also provide for a method to select or appoint the persons to serve on the commission that ensures independence, including but not limited to a prohibition against any involvement by the mayor or members of the city council in the selection or appointment of the commission members, and for disclosure of communications with commission members that occur outside of a public meeting.

(b) Within six months after a regular United States census, the independent citizens' redistricting commission, using a public, transparent, and accessible process, shall examine the boundaries of each council district for compliance with the population standard set forth in Section 23 and shall adopt and transmit to the city council for its enactment by ordinance, a plan to modify the boundaries of districts, if necessary, to bring all district boundaries into compliance with said standard, and with the other criteria set forth in Section 23. The term a "regular United States census" shall mean a comprehensive population census which is held at regular intervals prescribed by Congress and produces population data equivalent to that described as "Block Data" in the 1970 decennial census.

(c) For purposes of this section the six-month period shall begin upon the availability of population data equivalent to that described as "Block Data" in the 1970 census.

**Section 6.** Section 25 of the Sacramento City Charter is amended to read as follows:

Redistricting.

District boundaries shall only be changed by ordinance of the city council, which ordinance shall reflect, without alteration, the final adopted boundaries of the independent citizens' redistricting commission, except that territory annexed or consolidated with the city shall at the time of such annexation or consolidation be added by ordinance to an adjacent district or districts, without the involvement of the independent citizens' redistricting commission, pending the next, subsequent examination of district boundaries as provided in Section 24.

**Section 7.** Section 26 of the Sacramento City Charter is amended to read as follows:

Terms of office.

Each member of the city council shall serve for a term of four years and until a successor qualifies.

**Section 8.** Section 27 of the Sacramento City Charter is amended to read as follows:

Qualifications of members.

Each member of the council or candidate therefore, at the date of candidacy and election or appointment, shall be an elector and a resident in such member's district for not less than 30 days preceding the date of candidacy and election or appointment, as the case may be, and must continue to reside in such district during the term of office, except that no boundary change under Section 24 or 25 shall disqualify a member from serving the remainder of the term. The term "elector" means a person who qualifies to vote at either a state election or federal election held in the State of California. "Date of candidacy" shall mean the date of filing nominating papers or equivalent declaration of candidacy.

**Section 9.** Section 28 of the Sacramento City Charter is amended to read as follows:

Vacancies.

A vacancy on the city council shall be filled by special election to be called by the council as provided in Section 154 of this Charter, unless such vacancy occurs within one year of the next general election at which such office would normally be filled, in which case the vacancy shall be filled by appointment by a majority of the remaining members of the council. A person elected or appointed to fill a vacancy shall hold office for the unexpired term of the former incumbent.

Absence from five consecutive regular meetings of the city council, unless excused by resolution of the council, shall operate to vacate the seat of the council member so absent.

**Section 10.** Section 29 of the Sacramento City Charter is amended to read as follows:

Compensation.

There shall be established a compensation commission whose function shall be to establish the compensation for the mayor, members of the city council, and public members of city boards and commissions. The commission shall be comprised of five members selected pursuant to Section 230 of Article XV of this Charter for staggered four-year terms. The chair of the commission shall be a retired judicial officer and all members shall be residents of the City of Sacramento. The commission shall meet at least once a year and shall serve without compensation. The city shall fund the expenses of the commission. Compensation shall be reasonable and consistent with other cities similar in size and structure.

**Section 11.** Section 31 of the Sacramento City Charter is amended to read as follows:

Meetings.

(a) The city council shall hold regular meetings at such times and places as may be fixed by annual resolution, except that the council shall hold at least two regular meetings per calendar month. Meeting times and places may be added or changed according to city council's adopted rules of procedure. In order to improve citizen involvement and accessibility to meetings, the city council shall hold at least two open city council meetings per year outside of its chambers, but within the city limits and at locations with a maximum capacity that meets or exceeds that of council chambers.

(b) All meetings of the city council and its committees shall be, at minimum, called and conducted in the manner prescribed by State laws regarding matters of statewide concern which are in effect at the time of the meeting, as well as in the manner as may be prescribed by the Sunshine Ordinance adopted by the city council pursuant to Section 36 of this Charter.

**Section 12.** Section 32 of the Sacramento City Charter is amended to read as follows:

Ordinances.

(a) Every proposed ordinance shall be introduced in writing. The enacting clause of each ordinance enacted by the council shall be "Be it Enacted by the Council of the City of Sacramento." The enacting clause of each ordinance enacted by the initiative or referendum process shall be "Be it Enacted by the People of the City of Sacramento." Each ordinance shall contain a title which shall state in general terms the subject or subjects contained in the ordinance.

(b) Subject to Section 47 of this Charter, and except as otherwise provided elsewhere in this Charter, and with the exception of ordinances which take effect immediately upon adoption, ordinances shall be adopted in compliance with either the procedure set forth in Subsection (c) or Subsection (d) of this section.

(c) The ordinance shall be first passed by the council for publication of title. At least six days shall elapse between the date the ordinance was passed for publication of title and the date it is adopted by the council. The title of the ordinance shall be published by printing said title in a newspaper of general circulation published within the City designated by the council as the official newspaper of the City, no later than the third day immediately preceding the date of the adoption of the ordinance. No part of any ordinance, or proposed ordinance, other than its title, need be published.

(d) In lieu of the procedure set forth in Subsection (c) of this section, ordinances shall be published in the official newspaper of the City within ten days after adoption by the council.

(e) Ordinances which take effect immediately upon adoption, may be adopted without compliance with Subsections (b), (c) or (d) of this section.

(f) Except as otherwise provided in this Charter, each adopted ordinance shall become effective at the expiration of thirty (30) days after adoption or at any later date specified therein.

(g) The following ordinances shall take effect immediately upon adoption or at such later dates, of less than thirty (30) days after adoption, as may be specified in the ordinances:

(1) An ordinance calling for or otherwise relating to an election;

(2) An ordinance adopted as and declared by the city council to be an emergency measure, containing a statement of the facts constituting such emergency, if adopted by the affirmative votes of at least six members of the council; provided, that no measure making a grant, renewal or extension of a franchise or other special privilege or regulating the rate to be charged for its service by a public utility, other than one operated by the city, may be so enacted; and

(3) An ordinance adopted pursuant to a state law by virtue of which such ordinance shall be effective immediately.

(h) Nothing contained in this section shall be deemed to require an ordinance when an ordinance is not otherwise required.

**Section 13.** Section 35 of the Sacramento City Charter is amended to read as follows:

Limitation on future employment.

No member of the council or the mayor during the term for which such person shall have been elected or appointed or for one year after such person ceases to hold office, shall be eligible

for any appointive office or position in the city, carrying compensation, and created by this Charter, by ordinance or by resolution. An elective office which has been filled by appointment by reason of a vacancy in that office shall not be considered an appointive office under this section.

**Section 14.** A new Section 36 is added to Article III of the Sacramento City Charter to read as follows:

Ethics and Sunshine Ordinances.

To assure public confidence in the integrity of elected and appointed city officials and to provide greater transparency in local city government, the city council shall no later than 180 days after the operative date of this Section: (1) by ordinance, adopt a Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees, including provisions for the removal from office of any elected official who substantially violates the adopted Code of Ethics and Conduct; and (2) adopt a Sunshine (open government) Ordinance, which shall liberally provide for the public's access to city government meetings, documents, and records.

**Section 15.** A new Section 37 is added to Article III of the Sacramento City Charter to read as follows:

Ethics Committee.

The city council may establish by ordinance an Ethics Committee for the purpose of reviewing and monitoring the Code of Ethics ordinance described in Section 36, and for such other purposes as prescribed in the ordinance. The ordinance may prescribe qualifications and conditions of service on the committee, including compensation and reimbursement for expenses, terms of office, method of appointment, and removal. The ethics committee is not a board, commission, or advisory agency for purposes of Article XV or Section 40.

**Section 16.** A new Section 38 is added to Article III of the Sacramento City Charter to read as follows:

Neighborhood Advisory Committee.

The city council may establish by ordinance a Neighborhood Advisory Committee for the purpose of considering the interests of the city's neighborhoods, and for such other purposes as prescribed in the ordinance. The ordinance may prescribe qualifications and conditions of service on the committee, including compensation and reimbursement for expenses, terms of office, method of appointment, and removal. The Neighborhood Advisory Committee is not a board, commission, or advisory agency for purposes of Article XV or Section 40.

**Section 17.** Section 40 of the Sacramento City Charter is amended to read as follows:

Mayor—Functions.

(a) The chief executive officer of the city shall be the mayor, who shall have the executive and administrative authorities, powers, and responsibilities of the city as provided herein, including but not limited to the power and duty to execute and enforce all laws, ordinances, and policies of the city.

(b) The mayor:

(1) Shall be recognized as the official head of the city for the performance of all duties lawfully delegated to the mayor by this Charter, by action of the council or by other laws.

(2) Shall provide leadership within the community in the sense that the mayor shall have the primary, but not exclusive, responsibility of interpreting the policies, programs and needs of city government to the people, and as the occasion requires, may inform the people of any change in policy or program, and (a) shall appear before the public to deliver a general address on

the State of the City, and to recommend the adoption of such measures as the mayor may deem expedient and proper; and (b) shall also conduct two additional open public town hall meetings during the year to solicit and respond to comments, concerns, or questions from the public, which meetings shall be noticed to the public not less than two weeks in advance;

(3) Shall have the right but not the exclusive power to make recommendations to the city council on matters of policy and programs that require council decisions;

(4) Shall have the right, but not the obligation, to attend and be heard at any regular or special open session or closed session meeting of the city council, but not the right to vote at such meetings;

(5) May propose ordinances and resolutions which shall be considered by the city council;

(6) Shall propose a budget to the city council not later than 90 days prior to the commencement of each fiscal year, and shall have the power to veto the budget resolution adopted by the city council pursuant to Section 111 of this Charter;

(7) May approve or veto ordinances passed by the city council pursuant to Section 47 of this Charter;

(8) Shall appoint the city manager subject to confirmation by a majority vote of the city council, and may remove the city manager pursuant to Section 60 of this Charter;

(9) Shall appoint and may remove members of the boards and commissions and advisory agencies in accordance with Article XV except as otherwise provided in this Charter;

(10) Shall have and exercise such other powers and duties as delegated to the mayor by the city council and as provided in this Charter, the laws of the state, and ordinances and resolutions of the city.

**Section 18.** Section 43 of the Sacramento City Charter is amended to read as follows:

Mayor—Term.

The term of office of mayor shall be four years and until a successor qualifies. No person may serve more than two full terms as mayor. Any term that commenced prior to the effective date of this section shall not count towards the term limit. Terms as a member of the city council shall not be counted towards the term limit as mayor. A partial term is equal to or less than two years. A partial term shall not be counted as a full term for purposes of the term limit.

**Section 19.**Section 45 of the Sacramento City Charter is amended to read as follows:

Acting Mayor; Mayor Pro Tem.

(a) During any absence of the mayor from the city, the council president shall be the acting mayor until the mayor returns. In addition, if the mayor becomes incapable of acting as mayor and incapable of delegating duties, the council president shall become the acting mayor.

(b) In the event of the absence, vacancy in office or inability of both the mayor and council president to perform their duties, the council vice-president shall serve as mayor pro tem. The mayor pro tem shall temporarily act in the capacity of an acting mayor. Any person serving as an acting mayor under this section shall continue to hold office as a member of the city council.

(c) Any person serving as acting mayor under this section shall be vested with the authority to supervise the staff remaining employed in the office of the mayor, to direct and exercise control over the city manager in managing the affairs of the city under the purview of the mayor and to exercise other power and authority vested in the office of the mayor when the exercise of such power and authority is required by law. This

limited authority includes circumstances where the expeditious action is necessary to meet a legal requirement imposed by a court or another governmental agency. Such limited authority does not include the exercise of the power of any veto or any other discretionary privilege that is enjoyed by a person appointed or elected to the office of mayor.

**Section 20.** Section 46 of the Sacramento City Charter is amended to read as follows:

Mayor—Vacancy.

(a) The office of mayor shall be declared vacant by the city council when the person elected or appointed thereto fails to qualify within ten days after his or her term is to begin, dies, resigns, ceases to be a resident of the city or is continuously absent from the city for a period of more than 30 days without permission from the city council, is convicted of a felony, is judicially determined to be an incompetent, is permanently so disabled as to be unable to perform the duties of the office of mayor, forfeits the office under any provision of this Charter, or is removed from office by judicial procedure. A finding of disability shall require the affirmative vote of at least six members of the city council after considering competent medical evidence bearing on the physical or mental capability of the mayor.

(b) A vacancy in the office of the mayor shall be filled by special election to be called by the city council as provided in Section 154 of this Charter, unless such vacancy occurs within one year of the next general election at which the office of mayor would normally be filled, in which case the vacancy shall be filled by appointment by a majority of the members of the city council then in office. A person elected or appointed to fill a vacancy in the office of mayor shall hold office for the unexpired term of the former incumbent.

(c) During the period of time when an appointment or election is pending to fill a vacancy in the office of mayor, the provisions in Section 45 herein shall control.

**Section 21.** A new Section 47 is added to Article IV of the Sacramento City Charter to read as follows:

Mayor—Approval or Veto of Council Ordinances.

(a) The mayor shall have veto power over all ordinances passed by the city council except ordinances as provided for in Section 32(g), ordinances required by state law, ordinances required by Section 25, or ordinances that, pursuant to this Charter, are wholly within the exclusive purview of the city council.

(b) Except as otherwise provided in this Charter, each ordinance adopted by the city council shall become effective at the expiration of 30 days after adoption and approval by the mayor, or deemed approval, or the override of a mayoral veto pursuant to this Charter, or at any later date specified therein.

(c) Except as otherwise provided in this Charter:

(1) An ordinance adopted by the city council shall be transmitted to the mayor within 48 hours by the City Clerk for the mayor's approval or veto.

(2) The mayor shall have ten business days from the date of transmittal by the City Clerk to approve or veto the ordinance and inform the City Clerk in writing of the action taken. If the mayor fails to act within such period, the ordinance shall be deemed approved.

(3) If the mayor vetoes the ordinance, the mayor shall state the reasons for such veto in writing, which shall be transmitted to the city council by the City Clerk within 48 hours. The city council shall have 30 days from the date of transmittal by the City Clerk to reconsider the ordinance. If after such reconsideration, at least six council members vote in favor of passage of the ordinance, that ordinance shall become effective

notwithstanding the mayor's veto. If the vetoed ordinance does not receive the affirmative votes of at least six council members after reconsideration, the ordinance shall not be approved or enacted and shall have no legal effect.

**Section 22.** Section 60 of the Sacramento City Charter is amended to read as follows:

City Manager—Appointment, qualifications, and removal.

There shall be a city manager who shall be appointed by the mayor subject to confirmation by a majority vote of the city council. The mayor shall reinitiate the appointment process if, within ten business days of the appointment being made, a majority of the city council votes to reject confirmation of the appointment. If the city council fails to confirm or reject an appointment within 30 days of the appointment being made by the mayor, the appointment of the city manager shall be deemed approved by the city council. The city manager shall be selected solely on the basis of executive and administrative qualifications. Prior to making an appointment of the city manager for confirmation by a majority vote of the city council as described in this Section, the mayor shall hold an open public meeting where members of the public may propose questions regarding the executive and administrative qualifications of the candidate(s) for city manager. The city manager shall be appointed by and shall serve at the pleasure of the mayor and can be removed from office by the mayor at will, with or without cause. The mayor shall advise the city council ten days before removing the city manager.

**Section 23.** Section 61 of the Sacramento City Charter is amended to read as follows:

Functions.

The city manager shall be the chief administrative officer of the city and shall be responsible for the effective administration of the city government. Acting on the mayor's behalf and in furtherance of the mayor's powers, the city manager shall have the power and it shall be the city manager's duty:

(a) To assist the mayor in seeing that all laws and ordinances are enforced;

(b) To administer and exercise supervision and control over all offices, departments and services of the city government under the jurisdiction and control of the mayor;

(c) To the extent requested by the city council, to act in an advisory capacity to the city council with respect to officials not under the jurisdiction and control of the city manager or mayor;

(d) Except as otherwise provided in this Charter, to appoint all heads or directors of departments of the city and all subordinate officers and employees with power to discipline and remove any officer or employee so appointed, subject to the civil service provisions of this Charter; provided, further, that all officers and employees of the city appointed by the city manager who are exempt from the rules and regulations of the civil service board pursuant to Charter Section 83 may be suspended or removed at the pleasure of the city manager.

(e) To make such recommendations to the mayor and city council as the city manager shall deem appropriate concerning the operation, affairs and future needs of the city;

(f) Under the direction of the mayor, attend all regular and special public meetings of the city council with the right to participate in the discussion of matters pending before the council but without the right to vote on such matters;

(g) To see that all terms or conditions imposed in favor of the city or the people of the city in any contract franchise, lease or permit are faithfully kept and performed; and upon knowledge of any violation thereof to notify the city council of such violation;

(h) When authorized to do so by the provisions of this Charter or by ordinance or resolution, to execute, on behalf of the city all contracts, franchises, lease or permits or any other document requiring the execution of which is required by an officer of the city;

(i) To keep the mayor and the city council fully advised as to the operations, financial conditions and needs of the city;

(j) To assist the mayor in preparing the annual budget in accordance with Charter Section 111.

(k) To perform such other duties consistent with this Charter as may be prescribed by the mayor.

**Section 24.** Section 62 of the Sacramento City Charter is amended to read as follows:

Non-interference with City Manager.

No member of the city council shall directly or indirectly coerce or attempt to coerce the city manager relative to the appointment or removal of any city officer or employee which is made by the city manager.

The city council and its members may deal directly with the city manager and department heads with respect to the part of city government under their control or supervision. Additionally, nothing herein shall limit the power of the city council, or members thereof, to do the following:

(a) to conduct investigations as provided in Section 34 of this Charter, or

(b) to contact officers and employees of the city for the purpose of inquiry or obtaining information that is a public record, or

(c) to contact officers and employees designated by the city manager for the purpose of advising said officers and employees of citizen complaints relating to the operation of city government.

**Section 25.** Section 63 of the Sacramento City Charter is deleted.

**Section 26.** Section 70 of the Sacramento City Charter is amended to read as follows:

Appointive Officers.

The following other city officers shall be appointed by the city council:

- (a) City Clerk;
- (b) City Attorney;
- (c) City Treasurer; and
- (d) Such other officers and employees of its own body as it deems necessary.

The City Clerk, City Attorney, and City Treasurer shall be appointed only after at least one open city council meeting where members of the public may propose questions regarding the qualifications of the candidate(s) for each appointive office.

**Section 27.** Section 73 of the Sacramento City Charter is amended to read as follows:

City Treasurer.

The city treasurer shall be responsible for the deposit and investment of all funds of the city treasury not made subject to the control of others pursuant to this Charter. The city treasurer shall keep the city council and the mayor fully advised as to the deposit and investment of funds subject to his control. The city council shall prescribe the qualifications, additional duties, and compensation of the city treasurer. The city treasurer shall appoint, subject to the civil service provisions of this Charter,

such deputies and employees as the council may by resolution prescribe.

**Section 28.** Section 76 of the Sacramento City Charter is amended to read as follows:

Duty to inform council and mayor.

Each appointive officer specified in Section 70 shall have the duty to promptly and fully inform the city council and the mayor of any act of misfeasance or malfeasance known to said appointive officer to have been committed by any officer or employee of the city if such act might significantly and adversely affect the finances or operations of the city. The city council, by ordinance or resolution, may further define the procedures and provisions determined to be necessary to implement and operate under this section.

**Section 29.** Section 111 of the Sacramento City Charter is amended to read as follows:

Budget.

(a) The Office of Independent Budget Analyst shall hereby exist as a city department whose designated function is to assist and advise the city council in conducting budgetary inquiries and in making budgetary decisions. The independent budget analyst is the administrative head of the department and shall be appointed by a majority vote of the city council. 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. The qualifications and duties of the independent budget analyst shall be established by the city council by ordinance.

(b) All budgets shall be adopted pursuant to the following process:

- (1) Each department, office and agency of the city shall provide in the form and at the time directed by the city manager all information required by the city manager to assist the mayor to develop a budget conforming to modern budget practices and procedures as well as specific information which may be prescribed by the council. Not later than 90 days prior to the commencement of each fiscal year or such greater period as the council may prescribe, the mayor, with the assistance of the city manager, shall prepare and present to the city council, in such form and manner as it may prescribe, budget recommendations for the next succeeding fiscal year. The city council shall hold a minimum of two public hearings on the proposed budget, the first of which shall occur no later than 15 days after the mayor's budget recommendations are presented to the city council. No later than 30 days prior to the commencement of the fiscal year and following at least two public budget hearings, the city council shall adopt by resolution a budget of proposed expenditures and appropriations necessary therefore for the ensuing year. Upon the request of the city council, the independent budget analyst shall provide to the city council an independent analysis of the proposed budget.
- (2) The City Clerk shall immediately and within 24 hours transmit the budget resolution to the mayor. The mayor shall within ten days of receipt of the proposed budget, either approve the budget as proposed by the city council, veto the entire proposed budget or veto any part of the proposed budget by reducing or eliminating any line item while approving other portions of the proposed budget; provided, however, that the mayor cannot exercise the line item veto on the specific portion of the proposed budget relating directly to the city council's own internal expenditures. The mayor shall append to the proposed budget a statement identifying any items reduced or eliminated and the reasons for the action. Any and all portions of the proposed budget approved by the mayor

shall become effective immediately. If the mayor vetoes all or any line item within such proposed budget, those portions shall not be effective, and the City Clerk shall transmit the vetoed proposed budget, together with the veto statement from the mayor, to the city council immediately and within 24 hours. The city council shall thereafter and within ten days of such transmittal reconsider the proposed budget and mayor's vetoes. If the council is in official recess at the time of transmittal of the vetoed proposed budget, the ten day period shall begin immediately upon the end of the recess period. If the mayor vetoes the entire proposed budget, and at least six council members vote to override the mayor's veto, the proposed budget as approved by the city council shall become effective immediately. Line items reduced or eliminated by the mayor shall be separately reconsidered and, if at least six council members vote to override the mayor's veto of that line item, the line item as proposed by the city council shall become effective immediately, notwithstanding the mayor's veto. If at least six council members do not vote to override the mayor's veto of a line item after reconsideration, the elimination or reduction of the line item by the mayor shall become effective immediately.

- (3) If a budget is not approved prior to the start of the fiscal year, the appropriations for current operations of the last fiscal year shall be deemed effective until the new budget and appropriation measures are adopted.

(c) The budget may be amended, revised, or modified during the fiscal year pursuant to the process set forth above in Subsection (b) on a timeline not to exceed 90 days, which timeline shall start on the date the mayor, either after a request by the city council to do so or on the mayor's own initiative, transmits the proposed budget amendment, revision, or modification to the city council.

**Section 30.** Operative Date; Trial Period and Reauthorization by Voters.

A. If this Act is approved by a majority of the voters voting on the issue, the Act shall become operative on January 1, 2015.

B. The amendments to Sections 24 ("Reapportionment of districts") and 25 ("Redistricting") of the City of Sacramento Charter set forth in this Act shall remain in effect indefinitely, and may only be amended by a majority of the voters of the City of Sacramento voting in an election held in accordance with the law.

C. All provisions of this Act except amendments to Sections 24 ("Reapportionment of districts") and 25 ("Redistricting") of the City of Sacramento Charter shall be known as "Sunset Provisions". In order to assess their effectiveness, the Sunset Provisions shall remain in effect until December 31, 2020, at which time the Sunset Provisions shall be automatically repealed and removed from the Charter. To ensure the people have an opportunity to consider the permanency of the Sunset Provisions before they are automatically repealed, the city council shall place a measure on the ballot at an election no later than November 3, 2020 to consider amendments to the Charter to make the Sunset Provisions permanent effective January 1, 2021, which may include but not be limited to an amendment to provide for a ninth city council seat elected by district. However, the city council and the people expressly reserve the right to propose changes to the Charter at the November 3, 2020 election or sooner, including without limitation, changes to extend, make permanent, shorten or repeal the effective period of this Act.

D. If the voters do not make the Sunset Provisions permanent on or before December 31, 2020, such that the Sunset Provisions cease to be operative, the mayor shall become a member of the council, serving as an at-large member, effective January 1, 2021. If the voters shorten the operative period or repeal this Act prior to December 31, 2020, such that the

Sunset Provisions cease to be operative, the mayor shall become a member of the council, serving as an at-large member, effective as soon as legally practicable.

**Section 31.** Implementation.

Upon the effective date of this Act, the City shall proceed as expeditiously as possible to implement this Act, including but not limited to promptly updating the Sacramento City Code, Ordinances and Resolutions to conform to the Charter amendment set forth in Section 3 herein. The City and its elected officials may immediately, upon the effective date of this Act, begin taking the necessary steps to prepare for its operation pursuant to Section 4.

**Section 32.** Severability.

If any portion, section, subsection, paragraph, subparagraph, sentence, clause or application of this Act is held invalid or inapplicable by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity or applicability of any other part of this Act. Consistent with the foregoing, the provisions and applications of this Act shall be deemed severable, and each portion, section, subsection, paragraph, subparagraph, sentence, clause or application of this Act would have been enacted irrespective of the fact that one or more other parts or applications is found to be invalid or inapplicable.