



City of Sacramento

2009 Charter Review Committee

Final Report

November 2009
(DRAFT as of 10/14/2009)

COVER LETTER

To The Honorable Mayor, Council Members, and Citizens of Sacramento,

[RESERVED]

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EXECUTIVE SUMMARY

[Reserved]

1. BACKGROUND

The Sacramento City Charter is the foundational document for City governance. The Charter establishes the basic rules for the City government and is the source of the City's system of checks and balances that prescribe the relationship between elected officials and staff. Among other things, the Charter establishes the number of officials who are elected to serve the public, the number of districts from which they are elected, and how much authority elected officials may exercise. The Charter also determines how City elections shall be conducted, including the process for redistricting. The Charter may only be amended or repealed by a majority vote of the City's voters.

Since 1921, Sacramento has operated under a Council-Manager form of government where the executive and legislative functions are combined, similar to a parliamentary model. In such a system, the Mayor and City Council meet, deliberate and vote as one body. This elected body establishes policy direction and appoints a professionally trained City Manager to oversee the daily operations of the City and implement its policies. While there have been numerous amendments to the City Charter during the ensuing years (155 measures in 54 elections; 111 passed and 44 failed), no comprehensive review has occurred in decades (see Appendix G).

In early 2009, a proposed Charter amendment initiative to change the City's governance structure, from Council-Manager to Mayor-Council, was pending submittal to the City Clerk from Mr. Thomas Hiltachk (Initiative Measure). A Mayor-Council form of government separates the executive and legislative functions similar to the state and federal models. In such a system at the local level, the executive (Mayor) is responsible for administration of the City and typically does not sit with, deliberate or vote with the legislative body (City Council). However, the Mayor is generally provided some form of veto power over the legislative body and enhanced appointment power given his/her City administrative responsibilities.

At the January 6, 2009 City Council meeting, several Council members indicated they had received numerous constituent inquiries related to the merits of the Mayor-Council proposal. In addition to related requests by Council members, Council Member Kevin McCarty requested a workshop and report to aid the Council in formulating their assessment of the Initiative Measure.

The City Council reviewed a report by the City Attorney comparing and analyzing the Initiative Measure on February 3, 2009. The report included the following:

- A comparison of the proposed Initiative Measure and the charters of the ten most populous California cities;
- The legal process by which the ten most populous California cities revised and adopted their charters and charter amendments; and
- The legal process by which the City of Sacramento may revise and adopt Charter amendments.

The City Council subsequently directed City staff to provide a report on options and recommendations for establishing an advisory body to review the City's Charter. This report was presented to the Mayor and Council on February 17, 2009. At this meeting, the Mayor and Council

voted unanimously to create the 2009 Sacramento Charter Review Committee with the adoption of Resolution R2009-095 (see Appendix A).

Resolution R2009-095 created a Committee composed of eleven (11) members subject to the following requirements:

- Two members to be appointed at large by the City Council through an application and interview process (recommendations to be provided by the Personnel and Public Employees Committee). At large members were required, by education, experience or training, to come from the fields of the law, academia, or public administration/policy.
- The next nine members to be appointed individually by the Mayor and each of the eight (8) Council members.
- Confirmation of each member by a majority of the City Council.

The Committee's twice-monthly meeting schedule began on April 2, 2009.

2. CHARGE OF THE MAYOR AND CITY COUNCIL

Resolution R2009-095 charged the Committee with meeting at least twice per month and reviewing the Charter in its entirety, with openness to input from all citizens. The City Council required the following issues be given particular consideration and be addressed in the final report:

- The City's governance structure: Mayor-Council versus Council-Manager, and the issues related thereto;
- The delegation and/or reservation of City powers;
- Appointment and removal of City officers and employees;
- The City budget process;
- Green waste disposal;
- Full-time status for Council members and issues related to full-time status for Mayor and Council;
- Term limits;
- Ethics Commission;
- Timing of City general run-off elections, and instant run-off or alternative runoff procedures for City elections.
- Other issues as indicated by the City Council.

The Resolution required Committee progress reports to the City Council in the months of June, August and October 2009. Additionally, the Resolution required a preliminary set of recommendations be presented to the City Council by December 15, 2009 and a final report by January 26, 2010.

Resolution R2009-095 also provided direction regarding the process for reaching decisions. Final recommendations required at least seven (7) member votes. The Resolution authorized members to prepare a minority report to be included with the Committee's written reports to the City Council if desired.

On August 6, 2009, the City Clerk presented a report to the Mayor and City Council indicating the Initiative Measure submitted by Mr. Hiltachk received a sufficient number of signatures to be considered by the voters. The Mayor and City Council subsequently voted to place the Initiative Measure on the June 8, 2010 ballot.

The Council's decision prompted a discussion of whether to accelerate the Committee's time table. Considerations for an accelerated Committee time table included:

- Ensuring adequate time to receive the Committee's report and discuss its recommendations with each other and the community.
- Providing the City Attorney's Office adequate time to draft an alternate measure(s) for the June 8, 2010 ballot if so desired.

On August 25, 2009, the City Council unanimously adopted R2009-559 (see Appendix B) consistent with the Committee's recommendation during its second progress report presentation. Resolution R009-559 revised the Committee's charge and accelerated the final report's submittal

date to no later than November 3, 2009. The Committee's refined charge included only the following issues:

- The City's governance structure: Mayor-Council versus Council-Manager, and the issues related thereto;
- The delegation and/or reservation of City powers;
- Appointment and removal of City officers and employees;
- The City budget process;
- Full-time status for Council members and issues related to full-time status for Mayor and Council;
- Term limits;
- Ethics Commission;
- Timing of City general run-off elections, and instant run-off or alternative runoff procedures for City elections.

The new Resolution also required the Committee to provide two Supplemental Reports. Supplemental Report No. 1, due by December 1, 2009, will focus on Committee recommendations related to Ethics Commission and full-time status of Mayor and Council Members. Supplemental Report No. 2, due by January 19, 2010, will focus on Committee recommendations related to Primary/General Election Scheduling and Instant Runoff elections.

Given the Council's accelerated timeline for governance and budget related recommendations, the Committee appreciated the time granted to complete its study of the Supplemental Report issues.

3. THE CHARTER REVIEW PROCESS

The Committee met for the first time on April 2, 2009. An independent communications consultant (Michelle McCormick, Executive Vice President, CirclePoint) facilitated the Committee's discussions before the formal selection of the Committee's Chair and Vice Chair occurred during the Committee's meeting on April 20, 2009.

The Committee's first two meetings focused on orientation and planning issues, including a review of the Ralph M. Brown Act, parliamentary procedure, the City's Charter and governance structure, and the Initiative Measure (now certified for the June 8, 2010 ballot). By the Committee's third meeting on May 7, 2009, the Committee created a phased work plan to facilitate its efforts to develop recommendations. The work plan consisted of five distinct phases:

- Organization Phase
- Information Gathering Phase
- Outreach Phase
- Tentative Decision Making Phase
- Final Decision Making/Report Writing Phase

To assist in information gathering, the Committee selected 12 benchmark cities to study and contrast with Sacramento's governance structure (see Appendix C). Committee staff created a matrix reference document (see Appendix D) identifying data about each benchmark city's governance structure and the characteristics of the certified initiative.

Beginning in May, 2009, the Committee convened presentations and panels of academics, practitioners and representatives of organizations to discuss governance structure, election processes, and related issues. The Committee directed staff to assemble speakers with a wide variety of perspectives and experience on the various issues. The Committee's practice of assembling panel discussions and individual testimony continued through the Committee's meeting on August 3, 2009. In total, the Committee received approximately eleven hours of testimony from sixteen individuals. Materials received by the Committee are included in Appendix E.

Pursuant to Resolution 2009-095, the Committee provided Progress Reports to the City Council on June 23, 2009 and August 25, 2009. The June Progress Report summarized the Committee's five phase work plan and provided the City Council with Committee thoughts on lessons learned. The August Progress Report summarized the Committee's July outreach efforts to approximately 200 representatives of community organizations/associations about ways the public could become involved in the Charter Review process. The August Report also summarized the meeting topics and presentations received to date.

Committee staff created a website for the Committee (www.cityofsacramento.org/charter) to organize the Committee's activities. Meeting agendas and materials were available via a link on the website. Archived video of the meetings and a bibliography of materials compiled by the Committee were archived on the website. The website also provided additional resources for the public and Committee members including the following:

- Governing Resolution
- Committee Member biographies
- Committee Progress Reports
- Frequently Asked Questions document (see Appendix F)
- Brown Act information
- Links to the charters of the benchmark cities
- Background information on the Brown Act

4. PUBLIC OUTREACH

The Committee's governing resolution emphasized openness to input from all citizens and the Committee utilized several strategies to meet the Mayor and Council's expectations.

As a matter of law, all Committee meetings were open to the public and publicly noticed in accordance with the Ralph M. Brown Act. Meetings were also video streamed live on the Internet (via the Charter Committee's website) and archived for viewing at later dates. The Committee conducted meetings twice per month between April 2009 and January 2010. Each meeting allocated time for public comments.

Initial Committee outreach efforts focused on education and information. During July 2009, Committee members presented at five (5) neighborhood area group community meetings located in different geographical areas of the City. Meetings were held on the following dates:

July 8, 2009

Pannell-Meadowview Community Center – 2450 Meadowview Road

July 13, 2009

South Natomas Community Center – 2921 Truxel Road

July 20, 2009

Hart Senior Center – 915 27th Street

July 23, 2009

Coloma Community Center – 4623 T Street

September 10, 2009

Boys and Girls Club – 1117 G Street

The Committee's July presentations discussed the Committee's charge and timeline, the City's Charter, and ways to become actively involved in the Committee's activities. Approximately 200 people representing neighborhood groups and associations attended the July meetings. Attendees learned the Committee's website featured a "Share Your Comments" tool to allow members of the public to provide comments to Committee members. All comments were included in the correspondence materials Committee members received before each meeting. Meeting attendees also received an informational brochure explaining the Charter Review Committee.

In September and October 2009, the Committee held a Town Hall Meeting Series on the City's Charter. Nine (9) Town Hall Meetings were conducted in locations throughout the City and in all City Council districts. Over 3,000 notifications and emails were sent to individuals and organizations as well as press releases sent to media to encourage participation and interest in the Town Hall Meeting Series. The meeting dates/locations are summarized below:

September 23, 2009

Natomas High School - 3301 Fong Ranch Road

September 24, 2009

Ben Ali Shrine Temple – 3262 Marysville Blvd.

September 30, 2009

Elks Lodge – 6446 Riverside Blvd.

October 1, 2009

Christian Brothers High School – 4315 Martin Luther King Jr. Blvd.

October 5, 2009

Tahoe Park Elementary School – 3110 60th Street

October 7, 2009

Sam Brannan Middle School – 5301 Elmer Way

October 8, 2009

Caleb Greenwood – 5457 Carlson Drive

October 14, 2009

Sam Pannell Community Center – 2450 Meadowview Road

October 15, 2009

Sierra II – 2791 24th Street

Attendees learned about the Committee's Draft Report and provided public comments on its recommendations. Audio recordings were made of the Town Hall meetings and archived on the Committee's website for review. Additionally, scribed notes related to questions/answers and public comments received at the Town Hall meetings were placed on the Committee's website. More than ____ people attended the Town Hall Meeting Series.

The Committee also utilized an email sign-up service (via www.GovDelivery.com) for members of the public interested in receiving periodic email updates on the Committee. Approximately 100 subscribers received periodic email updates by the conclusion of the Committee's charge.

5. RECOMMENDATIONS (TENTATIVE)

The Committee's governing resolution required final recommendations to be approved by an affirmative vote of at least seven (7) Committee members. Members who did not approve a recommendation were authorized to prepare a minority report (see Chapter 6) to be included in the Committee's report to the Mayor and City Council.

To facilitate its ability to develop recommendations, the Committee agreed to develop tentative decisions before conducting its nine-meeting Town Hall Meeting Series on the City Charter. The Town Hall Meetings provided an opportunity for the public to learn the Committee's perspective on various issues. More importantly, however, the meetings provided an opportunity for the community to provide the Committee with specific feedback on the Committee's tentative decisions.

The Committee developed its framework for reaching tentative decisions at its July 20, 2009 meeting. The framework consisted of a two-meeting decision making process. During the first meeting, the Committee discussed a list of threshold items/questions for an issue. If there was consensus, the Committee directed staff to draft a tentative decision to be voted on at the second meeting. During the second meeting, the Committee and deliberated each issue and voted.

The following Committee tentative decisions on governance structure issues were reached by the Committee during their deliberations in August and September 2009. Each recommendation requires seven (7) affirmative votes to be considered in the Committee's Final Report.

Unified Legislative and Executive Policy Functions

Tentative Recommendation: *Legislative and executive policy functions remain unified. Mayor remains a member of the City Council; Mayor continues to chair the City Council meetings and deliberate and vote with the City Council. Mayor has no veto power.*

Tentative Vote: | Yes – 9 | No – 1 | Abstain – 0 | Absent – 1 |

A threshold consideration of the committee was whether the existing single entity structure, often referred to as a unified system, should be retained or whether it should be replaced with a system which divides the legislative and executive functions. Since the progressive era, the single entity governing body is the traditional form of local government in the U.S. Under this structure, all elected policy makers are combined into a single entity, usually referred to as a city council, with the mayor serving as chair. This system has been in existence in Sacramento since 1921. In contrast, separation of powers – with the executive function being separated from the legislative function – is a deeply entrenched notion in the United States at the federal and state levels, although not at the local level.

The decision of the committee was that the existing system should be retained. Several critical factors lead to that conclusion:

1. Accountability. At the local level, the existing unified system is more accountable than would be a divided system. Under a divided framework, residents often have difficulty knowing who is actually responsible for a particular decision or policy. This point is well illustrated by the federal system, wherein presidents have often blamed Congress while Congress blames the White House. With a single body being responsible, it is clear that the city council, of which the mayor is a voting participant, ultimately is solely responsible for the city's policymaking decisions. Put simply, under a unified system, there is no place to "pass the buck" since all power and responsibility rests with the city council.
2. Representative and Inclusive. In contrast to the federal and state governments, the decisions of local governing bodies, such as land use and direct public services, affect the daily lives of city residents in a more direct, immediate way. A unified governing body tends to incorporate the most diverse range of opinion, and is therefore more representative of the views of community as a whole. In contrast, a divided government structure is more likely to result in policy decisions with "winners" and "losers". In the words of the International City-County Management Association (ICMA), the Council-Manager form of local government "encourages neighborhood input into the political process, diffuses the power of special interests, and eliminates partisan politics from municipal hiring, firing, and contracting decisions."
3. Community Consensus. The testimony the committee received indicated that divided government systems tend to polarize a city's policymakers. In contrast, a unified governing body tends to forge a consensus-oriented environment among the mayor and council members. More specifically, the interaction of the mayor with the council members results in the emergence of decisions and policies which reflect a blending of community interests and not just those of a particular area or segment of the community. In a city as diverse as Sacramento, this factor is extremely important because it promotes decisions and policies which are broadly based and reflective of the community as a whole. The absence of broad-based support often undermines the legitimacy of rendered decisions and results in those interests which were not included becoming alienated. This is neither desirable nor healthy for a community and represents the antithesis of the inclusivity which characterizes Sacramento's political culture.
4. Community Accessibility to the Mayor. Under a divided system, the executive often tends to become a remote and isolated figure who may not be particularly accessible to the public. This is less likely to occur where a mayor sits as part of a city council, meeting in public on a regular and ongoing basis. Under a unified system, the mayor can be approached on the same basis as any other member of the city council by a citizen simply attending a council meeting and voicing a view. When a mayor is removed from this process, there is far less public access to the mayor. Greater accessibility is likely to result in the mayor being more in tune with the needs and desires of the community.
5. Direct Interaction by Mayor with City Council. It requires the interplay of a variety of interests to determine the best decision or policy for our city. Direct interaction among the council members, who represent both the interests of their districts and those of the entire city, with the mayor, who is elected at-large, is crucial. Having the mayor be part of the city council allows for the interaction – and reconciliation – by these sometimes different and competing interests. This situation is more likely to promote unity and acceptance of decisions within the community. Open dialogue and feedback in a public forum among various council members and the mayor should be

encouraged for open, effective governance. In fact, mayors serving in cities that transitioned from a unified council system to a divided executive system reflected on this issue in their testimony to the committee. At least two expressed regret that, as executive mayors, they no longer experience the same degree of interaction and comradery with members of the city council.

6. Mayor Can Act as Leader of the Community and Council. Under the unified system, the mayor is both the political leader of the community and the city council. The skills required for a mayor to lead and govern successfully in a unified council system are those qualities necessary for successful leadership generally. These include political acumen, diplomacy, consensus-building, community support, and communication. In reality, a mayor must work with the community and the council to build support for the direction in which he or she wishes to lead the community. In fact, effective leadership requires a mayor to develop a consensus to support a particular direction. Sometimes this process is difficult, frustrating, and challenging to all involved. But doing so leads to decisions which reflect democratic principles and inclusiveness. In contrast, the mechanics of divided government with legislative actions passing between the council and the executive for signature, veto, and override adds time-consuming steps to the policy making process while potentially losing the benefits of direct communication and agreement.

7. Clear Direction to Consolidated Staff. Divided government results in two staffs, one under the direction of the City Council and another under the direction of the Mayor. An advantage of the existing city unified structure is that there is a single consolidated group of professional staff under the direction of the City Manager, who is responsible to the full City Council.

8. Experience of Other Cities. The notion that a transformation to a divided government is simply the byproduct of growth and increasing size of population is not necessarily sound or true. In fact, those other cities which presented their experiences to us clearly indicated that every community must examine its own individual goals, desires, circumstances and community culture when deciding which form of government is appropriate. The clear indication was that “no one size fits all” and that a community must choose that model which serves its own needs. The data support this conclusion. While many large cities employ a divided executive mayor system, many other cities larger than Sacramento retain a unified system, and some have even returned to a unified system after experimenting with a divided structure. The committee believes the current structure best serves Sacramento’s neighborhood-oriented political culture.

Appointment / Removal of City Manager

Tentative Recommendation: *Mayor appoints the City Manager with a majority confirmation of the City Council (excluding the Mayor’s vote). City Manager may be removed by the Mayor with a majority vote excluding the Mayor. Council may remove the City Manager for cause with a majority vote (excluding the Mayor’s vote).*

Tentative Vote: | Yes – 6 | No – 3 | Abstain – 1 | Absent – 1 |

[Minority Report Included in Chapter 6]

The Sacramento City Charter currently provides that the city council and mayor, acting as a whole, hire the city manager, selecting among the various candidates. A simple majority vote now determines who is hired, while a two-thirds majority vote is required to remove the city manager. This means that a city manager may be hired or retained without the support of the mayor. Experience, however, indicates that both the mayor and city council must be able to work closely with the city manager. For this reason, we recommend amending the charter to allow the mayor to appoint the city manager with confirmation by the majority of the city council, excluding the mayor's vote (5 members). That would result in 6 of the 9 city council members having to support the hiring of a particular city manager and, most importantly, that the mayor would be allowed to choose the candidate. Removal could be initiated by the mayor for any reason with confirmation by a majority vote by the city council, excluding the mayor's vote. Alternatively, the city council itself would be authorized to propose removal of the city manager for cause with a majority vote, again excluding the vote of the mayor. In either case, with the mayor's vote excluded, 5 votes of 8 would be required to terminate a city manager.

We recommend this specific increase in mayoral authority based upon the reality that the city manager and the mayor need to work closely as a team. This change helps to ensure that the city manager is supported by and responsive to the mayor, and at least a majority of the city council. By selecting the candidate, the mayor is guaranteed a candidate that is compatible with his governing vision. And, by their confirmation the council is assured the city manager is also responsive to their individual and collective needs. This solution helps strike a balance between the ability of the mayor to work with the city manager, while simultaneously assuring support of the balance of the city council.

The recommended removal process for a city manager provides a similarly balanced process. The mayor gains the right to initiate termination allowing that to occur only with majority city council approval. A mayor can also initiate dismissal of a city manager, with whom he or she is unable to work effectively for any reason. If the mayor is satisfied with the city manager who is intolerable to the city council, the city council can proceed with termination for a specified cause. Should that occur, however, any new candidate would be appointed by the mayor, thereby maintaining the mayor's pre-eminent role in choosing a satisfactory successor.

The non-interference provisions pertaining to the city manager under the current Charter would not change.

Appointment / Removal of Charter Officers (City Clerk, City Treasurer, City Attorney)

Tentative Recommendation: *Appointment and removal made by a majority of the City Council including the Mayor.*

Tentative Vote: | Yes – 7 | No – 3 | Abstain – 0 | Absent – 1 |

Under the existing charter, three charter officers – city clerk, city treasurer and city attorney – are appointed and subject to removal by the city council, including the mayor. We recommend this practice be continued because these offices must remain independent and in a position to exercise their judgment divorced from political pressure. More specifically, all three positions require a high degree of professional experience and judgment. The city clerk, for instance, is the keeper of the

city's official records, the city's election official and has major responsibility in the bid procedures of the procurement process, while the treasurer manages the city's funds and investments. It is incumbent upon the city attorney to provide objective legal advice to the mayor and city council. Subjecting any of these functions to political pressure potentially jeopardizes professional judgment and could lead to disastrous results for the city, ranging from the possibility of making imprudent investments to unnecessary legal exposure. Independence is necessary and our recommendation is intended to retain that independence.

Appointment / Removal of Department Directors and Exempt Management Appointments

Tentative Recommendation: *Department Directors and Exempt Management appointments to remain as is - appointed and removed by the City Manager.*

Tentative Vote: | Yes – 6 | No – 3 | Abstain – 1 | Absent – 1 |

[Minority Report Included in Chapter 6]

The current charter provides that the city manager appoints and can remove department directors and exempt management appointments, thereby giving the city manager management authority over the professional staff to implement the policy decisions of the mayor and city council. The committee recommends this provision of the charter be retained for the following reasons:

1. Professional Management. It assures professional management for the city which is immune from political influence and pressure.
2. Clear Accountability. The city manager is accountable to the mayor and city council and, if there is dissatisfaction with those whom he hires, he may be held responsible. Our current charter provides a sound professional administrative structure with a clear, professional chain of accountability.
3. Clear Lines of Authority. It prevents a department head, or other employee, from bypassing his or her superior and appealing directly to those holding political office. Management authority and control should remain vested in those who are held accountable.
4. Stability for Workforce. It provides for stability for the city's workforce and thereby enhances the quality of those candidates seeking employment with the city. This practice by extension provides for a sense of steadiness and professionalism that extends in the professional staff service to the city's residents.
5. Prevents Patronage. It protects city positions from becoming awarded on the basis of political patronage rather than professional expertise. Professional qualifications, not politics should be the principal criterion for job selection.
6. Helps Discourage Political Corruption. It eliminates the possibility for political corruption associated with employment being based upon political factors, as opposed to professional expertise.

Budget Authority

Tentative Recommendation: Mayor shall issue an annual statement of policy priorities each January. City Council shall review, modify and/or approve the Mayor's statement of policy priorities and transmit to the City Manager for the purpose of preparing a budget based upon the adopted statement of policy priorities.

Tentative Vote: | Yes – 9 | No – 1 | Abstain – 0 | Absent – 1 |

Consistent with the council-manager system, the city's budget is enacted by the entire council by majority vote and developed by working with the city's professional staff. As outlined by City Treasurer Russ Fehr in his presentation to the committee on June 15, the city's budget process is a year-round process beginning with council planning sessions in January and February which provide guidance to city staff to refine council priorities in anticipation of the city manager's formal preparation of the budget, due on May 1 of each year.

As city staff professionals have refined technical details of the budget in each of the last two years, the city has developed a practice of holding between 6 and 12 public workshops--generally occurring in March and April--to provide meaningful inputs from city residents and to inform the public of the state of the city's fiscal situation in anticipation of formal presentation of the budget. Public input continues in May and June as part of the council's formal budget writing sessions, which must be completed by June 30. The city manager and department directors continue to meet after the beginning of the fiscal year to examine the impacts of the economy and the state of city finances in preparation for the beginning of the next budget cycle the following January.

The committee recommends building on this practice by formalizing the mayor's role to propose initial priorities, as some past Sacramento mayors have informally done in "state of the city" addresses. Once a mayor submits his/her annual statement of policy priorities, the council would continue its current role through the council planning sessions early in the year. The city council would be required to react to the mayor's priorities, and then the mayor and council would forward council-approved priorities to the city manager in anticipation of the manager's formal submission of the budget later in the year.

This recommendation would add prominence to the mayor's role in shaping citywide policy. The committee desires the mayor's role to be invested more than it is today in the city's budget preparation process and developing its corresponding policies. Formalizing the mayor's role in the development of an annual statement and explanation of policy priorities will add consistency to and a clearer articulation of the mayor's priorities. This will also provide more prominence to mayor's role in shaping city-wide policy by allowing the mayor to focus the annual policy discussion occurring throughout the budget process.

Effective Date for Proposed Charter Changes

Tentative Recommendation: *Effective date for proposed Charter changes should be concurrent with the Mayor's swearing in following the November 2012 election.*

Tentative Vote: | Yes – 9 | No – 1 | Abstain – 0 | Absent – 1 |

One concern with the Strong Mayor Certified Initiative is its effective date. The concern stems from the fact that the approved revised charter would become effective 45 days following certification of the June 10, 2010 election results. The problem is that such an implementation schedule does not allow for adequate transition time before being adopted as a city government structure.

Of the cities the committee studied, none implemented extensive charter revisions without at least a seven month transition. Most averaged two to four years. Fresno asked voters to approve dramatic changes to the mayor's job description when they elected the mayor for the four-year term that preceded the changes. City officials said they started meeting the year that the change was voted in, and they continued until the election of their first executive mayor four years later.

The transition time involves two separate issues.

The first is for the voters, who without an adequate transition time, are forced to make a choice among candidates not knowing the job description of the mayor being elected. In the case of the certified initiative, voters would be asked to make a decision on changes to the mayor's job to be conferred on a sitting mayor only 18 months into his four-year term. We cannot find a precedent in the cities studied that changed the mayor's job description with a new set of sweeping powers on a sitting mayor.

The second transition issue is for the city charter officers, department heads and other 800± non-union city employees whose jobs will be almost immediately transitioned from being managed by a professional city management structure to being political appointees, serving at the pleasure of the mayor. This has the potential of not only causing chaos within city hall after the transition, but also in the time leading up to the June 2010 vote as city employees prepare exit strategies if the initiative should pass.

By extension, this also has the potential to affect city residents who have come to expect a sense of consistency of city employees in performing their jobs.

Term Limits

Recommendation: *The Committee does not recommend term limits for the Mayor or City Council members.*

Tentative Vote: | Yes – 9 | No – 1 | Abstain – 0 | Absent – 1 |

The basis for the Committee's recommendation that term limits not be implemented is as follows:

1. The electorate should be allowed when an individual should or should not be returned to office. Imposition of term limits inappropriately constrains the options of the electorate.

2. Experience is often useful and the public should not be precluded from re-electing experienced office holders through the imposition of term limits.

[Reserved for Inspector General/Budget Analyst Narrative]

6. MINORITY REPORTS

Appointment / Removal of City Manager

Continue Present Sacramento Charter Provisions for City Council Responsibility in Appointment and Removal of the City Manager
Newland, Fuller

Sacramento's existing Charter framework for Council responsibility in appointment and removal of the city manager warrants continuation. This is most consistent with the CRC's majority views on three key issues: retain a unitary Council, including the Mayor (reject Separation of Powers); retain provisions for other Charter Officers; and continue managerial appointment and removal of department directors and exempt managerial personnel.

Wisdom exists in the venerable principle: *If it isn't broken, don't fix it.* With respect to present proposals for extensive Sacramento Charter revision, it is wise to add: *It isn't broken; don't wreck it.*

Disempowering Sacramento's City Council and the people and neighborhoods they work to represent would result from drastic revision of the unitary, community-based structure of the present Charter. Informed experience is against that. Sacramento's recent Mayors Rudin, Serna, and Fargo worked closely with managers in ways described as essential by the CRC majority. The Charter continues to facilitate such close working relationships. A Mayor and others benefit from having professionally expert support of a manager with broad authority of the Council rather than a narrow mayoral partisan. The Mayor is thereby empowered to exercise Star talent with confidence of expert backup. Thus, the underlying issue is not the mayor/manager relationship but ill-informed complaints against the City Council for its shared and individual leadership in facilitation of Sacramento's culture of responsibly balanced diversity and a shared sense of community and City-wide advancement.

Sweeping revisions proposed by the Charter Initiative favor severely narrowed civic leadership. Similarly, while less extreme, politically empowered mayoral selection and removal of the city manager, with only subsequent majority Council confirmation, is a prescription for a weak and often divided City Council. A manager who is a mayoral appointee at that official's convenience with support of a Council faction becomes an instrument of narrow political interests. The CRC has recommended against mayoral selection of other Charter Officers "who require a high degree of professional experience and judgment." Without those same standards for the manager, Sacramento's professionally expert government will be wrecked along with its valued culture of broadly inclusive, collaborative leadership.

The irony is that neither separation of city council and mayoral powers, as proposed by the Charter Initiative and rejected by the CRC, nor distinctive mayoral appointment and removal power over the manager serves interests of a mayor with aspirations for strong leadership via civic integrity and noteworthy accomplishments. Officials with command-and-control powers become targets of conquests, subject to self-serving interests and a political culture of unilateralism and entitlement,

while council members are downgraded to subordinate roles. It is useful for all to understand that leadership is not what an official does because he/she has power. Leadership is the influence successfully exerted when others are not required to do what one commands. For Sacramento's greatness, the Charter needs to continue to encourage such leadership broadly among all City Officials and the many others who serve in civic roles.

Appointment / Removal of Department Directors and Exempt Management Appointments

Hastings, Thomas and Wisham

A Mayor is elected on a city-wide basis and brings a "platform" of major policy proposals with him/her to office. In order to implement his/her policy platform, the Mayor needs a "cabinet" of individuals who share his/her priorities and the enthusiasm for implementing these policy priorities. A Mayor would be significantly more effective in implementing these priorities if he/she appointed, with Council confirmation, a slate of department heads, in conjunction with the City Manager, to implement key policies.

Under this scenario, the Mayor will need to work collaboratively with Council Members to maintain coalitions to implement his/her policy agenda. Collaboration and consensus building is the role a Mayor should take in governing the City of Sacramento.

In addition to the "clout" the Mayor holds as the sole city-wide elected official, he/she needs the tools to implement key policies. Appointing the City Manager and department heads is an additional "tool" in the Mayor's "tool box." The role of the Council is not diminished by this approach; rather, in order to implement policy, the Mayor must build consensus with Council and the public to implement policy.

The Mayor would provide overall policy direction to department heads and the City Manager would provide oversight and direction of their work. This approach demands accountability by the public for both the Mayor and the Council, yet allows the steady hand of a seasoned administrator to guide department heads on a day-to-day basis.

7. CONCLUSION

[Reserved]

ACKNOWLEDGEMENTS

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COMMITTEE MEMBER BIOGRAPHIES

Bill Edgar. Bill Edgar's career in local government service spans more than 40 years, with particular emphasis in trouble shooting, program development, local government finance and intergovernmental collaboration. He served as both City Manager and Assistant City Manager for the cities of Sacramento and Pleasanton. In addition, he developed a successful record of inter-agency cooperation during his separate assignments as the executive directors for the Sacramento Housing and Redevelopment Agency, the Sacramento Transit Development Agency, the Sacramento City/County Office of Metropolitan Water Planning and the Sacramento Area Flood Control Agency. Bill served as a member and officer of the State Reclamation Board as well as other local boards and commission in Sacramento. He graduated from Haverford College in Philadelphia, Pennsylvania, and received his Masters Degree from the University of Pennsylvania, Fels Institute of State and Local Government within the Wharton School. Bill's contributions to the community have been honored by the American Society of Public Administration, the League of California Cities, the League of Women Voters and the Modern Transit Society of Sacramento.

JoAnn Fuller. Ms. Fuller is the Associate Director of California Common Cause, a nonpartisan, nonprofit citizen lobby focused on making democracy work for all and holding government accountable. She has been with Common Cause for ten years. In Sacramento, Common Cause has worked on the issues of campaign financing, ethics and lobbyist disclosure. JoAnn lives in the Spanish Tract area near Sacramento City College. She appreciates the diversity of Sacramento and looks forward to involving everyone she can in the process of figuring out what is and isn't working in our city government and what might fix our problems. Ms. Fuller participated in the Selma, Alabama 1965 voting rights march, which inspired her to be an active participant in public interest efforts, while encouraging others to take effective action for themselves on important issues of the day.

Cecily Hastings. Cecily Hastings is the founder and publisher of Inside Publications. They produce three neighborhood newsmagazines - Inside East Sacramento, Inside The City and Inside Arden - that are direct-mailed for free to more than 50,000 homes each month. Hastings also co-founded the McKinley East Sac Neighborhood Association in 1992 and the East Sac Chamber of Commerce in 1996. She served on the boards of each for more than a decade and spearheaded numerous fund-raising efforts for neighborhood beautification, safety and schools. She has been a resident of Sacramento for 20 years.

Grantland Johnson. Grantland Johnson, a native of Sacramento, has an extensive record of public service. In addition, he has worked for a number of not-for-profit non-governmental organizations. Since May, 2007, he has served as a Senior Advisor for Strategic Policy, with Community Housing Opportunities Corporation, Inc. (CHOC). CHOC is a twenty-five year old Davis, California based non-profit developer of affordable housing. Grantland served as the Director of Community & Economic Development, for the Sacramento Central Labor Council, AFL-CIO. Grantland was appointed by former California Governor Gray Davis to the cabinet-level position of Secretary, Health & Human Services Agency. He served in that position from January, 1999, until November, 2003. Mr. Johnson was appointed by President Clinton to the position of Region IX Director, within the U.S. Department of Health & Human Services. Grantland served ten years as

a local elected official. From January, 1987-November, 1993, he served a member of the Sacramento County Board of Supervisors. And, he served as a member of the Sacramento City Council from November, 1983-December, 1986. Grantland served a combined fourteen years on the Sacramento Regional Transit District Board of Directors, from October, 1976 through November, 1993. He was appointed by the Sacramento City Council in January, 1970, as a charter member of the Del Paso Heights Project Area Committee; the first neighborhood redevelopment project in the City of Sacramento. Most recently, he co-chaired the "Yes on Measure B" Committee that lead the successful campaign to form the Twin Rivers Unified School District. Grantland received an Associate of Arts Degree from American River Community College, and a Bachelors-of-Arts Degree, from California State University, Sacramento.

Alan LoFaso. Alan LoFaso has over 20 years of policy making experience in California state government. Also a member of the State Bar, Mr. LoFaso currently serves as Chief Deputy to Board of Equalization Chairwoman Betty T. Yee. Prior to that position, Mr. LoFaso served as Chief of Staff to state Senator Carole Migden and Governmental Affairs Director for the California Public Utilities Commission. Mr. LoFaso has developed major legislative enactments in the areas of health care, energy, taxation, and civil rights. Mr. LoFaso graduated with honors from the University of Pacific, McGeorge School of Law. Mr. LoFaso is also a member of the California Democratic State Central Committee and serves as Parliamentarian of the Democratic Party of Sacramento County and Political Action Chair of the Stonewall Democratic Club of Greater Sacramento.

Robert (Bob) Murphy. After graduating from McClatchy High School, Bob attended U C Davis and thereafter received his J D. from UC Berkeley Boalt Hall in 1967. After military service, Bob joined Kronick, Moskovitz, Tiedemann & Girard, where he has practiced since 1969 and is now a senior shareholder. Bob is a public agency, land use, development and finance attorney. Bob currently serves as a city attorney in another jurisdiction and acts as special counsel to several cities, districts and schools. His experience includes all matters of municipal law, public and private finance, land use and redevelopment. Bob counsels private clients in the areas of finance and development law, negotiating complex transactions and ensuring regulatory compliance. Bob is a former Regent of the University of California and currently serves as the Chair of the UC Davis Chancellor's Club and on the UC Davis Foundation Board. Bob previously served as the chair of the boards of United Way Sacramento and KVIE Channel 6 and as an adjunct professor of law at Mc George Law School on Local Government.

Chester A. (Chet) Newland. Chester A. (Chet) Newland is a teacher at the University of Southern California, where he is the Duggan Distinguished Professor of Public Administration. He has been at USC's State Capital Center in Sacramento since 1984. He was a Sacramento Discovery Museum Trustee, 1993-1995. He has been an honorary member of the International City/County Management Association (ICMA) since 1980, following earlier involvement in local government affairs since the 1950s. He now serves on the Association's Credentialing Advisory Board, and he is also a member of the Cal-ICMA Board, 2003-2009. Dr. Newland was the initial director of the Lyndon B. Johnson Presidential Library, first working at the White House and then in Austin to establish that institution. He served twice as director of the Federal Executive Institute (FEI), the U.S. Government's training and development center for top executives. He managed the Labor-Management Relations work of the U.S. Civil Service Reform Act (Title VII) of 1978, which continues as today's framework. He has worked extensively internationally. Since 1975, he has

been a Fellow of the Congressionally Chartered National Academy of Public Administration (NAPA).

Chris Tapio. Chris Tapio is a lifelong student of government and politics. He earned a degree in Political Science from UC Davis and has worked in the field for the last sixteen years. He is currently the president of a public policy and campaign consulting firm located in downtown Sacramento. Chris and his family live in the Pocket area, where he enjoys walking his two children to school each morning.

John Taylor. John Taylor is a land use lawyer who appears before local planning bodies throughout the Sacramento Region. He has been a Sacramento City resident since 1981. For ten years he taught land use law at McGeorge School of Law and prior to moving to Sacramento was a political science professor at San Diego State University. Mr. Taylor is a graduate of Chico State (B.A., Political Science) and the University of Arizona (M.A., Ph.D., Political Science, J.D.). He is the father of two college sons (University of San Diego and Chico State) and twin daughters who are high school seniors. His wife was formerly a land use planner for Sacramento County and is now an art student at Sacramento City College.

Tina Thomas. Tina is a founding partner at Remy, Thomas, Moose and Manley, LLP where she served as the managing partner for 28 years and is currently of counsel to the firm. She and late law partner Michael Remy founded the practice in 1982. The Sacramento County Bar Association named Tina "Distinguished Attorney" in 2005. Along with her former partners, Tina co-authored the "Guide to the California Environmental Quality Act" which is in its 11th edition (2006). Tina's clients include governmental agencies and developers and her practice focuses on the environmental and entitlement process in both administrative and judicial forums. Tina serves on a number of nonprofit boards – including Sacramento Food Bank Services and Valley Vision – and provides pro-bono representation to social-service organizations such as Francis House, Works in New Directions (WIND Center for Homeless Teens), Loaves & Fishes, WEAVE, Union Gospel Mission and The Moral Values Program. Tina received her BA from Stephens College and her law degree from the University of San Diego.

Jay Wisham. Jay Wisham is a firefighter with the City of Sacramento. Over the last fifteen years, he has worked in fire stations in several areas of the City, including four years in Del Paso Heights, 5 years downtown, 2 years Oak Park, and most recently at station 10 at Fruitridge and 66th. Although he was raised in the Pocket area of Sacramento, working in each of these fire stations has educated Mr. Wisham about the needs of many of the City's neighborhoods. Growing up, his father was the Assistant City Manager for the City of Sacramento, and his mother was a communications professor at Sacramento State University. Jay's wife is an attorney with Legal Services of Northern California, the legal aid program for Sacramento. They have two children and have lived in Curtis Park for ten years.

APPENDICES

[To be attached]