

DOES SACRAMENTO NEED A NEW FORM OF GOVERNMENT?

A Study of the Sacramento City Charter as it pertains to the city's governance structure, Mayor-Council versus Council-Manager and related issues.

Introduction

Early this year an initiative petition proposing amendment of the Sacramento City Charter was circulated. The petition describes the amendment as changing the form of governance of the city to establish the elected mayor as the city executive, like the governor or president. The city council would serve as the legislative branch of government. The city manager would serve under the direction of the mayor. The petition qualified with sufficient signatures and will be on the June 2010 ballot.

In light of the pending petition, the city council appointed a Charter Review Committee to advise it. The committee's purpose is to review the charter and recommend amendments to the charter to the council. The committee's final report will be made on November 3, 2009. The committee's recommendations will be available prior to the League's consensus meeting on November 21, 2009, but it is not expected that any council action will be taken before that.

The current method of governance of the City of Sacramento, as provided by its charter, the council-manager form of government, can best be described as a unified form of government, (sometimes called collaborative) where the mayor sits with the council and all powers of the city reside in the council. The mayor-council form of government (sometimes called "strong mayor") involves a separation of powers, similar to the federal and state governments, with the "executive mayor" not present or involved in council meetings and having a veto over council actions.

The Charter Review Committee has noted that "The separation of executive mayor tends to diminish the authority that is very clear in the city council.... Having the mayor sit with the city council creates accountability."

The information on these pages is background for the consensus meeting. More information is at the city's Web site <http://www.cityofsacramento.org/charter/>

History of Sacramento's Charter

The City of Sacramento was founded in 1849 and its first council of nine members was elected that year. In 1911 the City Charter was modified to include a governing body of five commissioners.

In 1921 a new charter went into effect adopting the city manager form of government. This is essentially today's City Charter, providing for eight council members and a mayor who sits with the council and shares equal authority. There have been numerous amendments to the charter over the years. Two attempts to consolidate city and county governments failed.

Appointment Powers

A chart was prepared for the Charter Review Committee which reviewed the appointment powers in 12 large cities plus Sacramento. Of these, seven have a council/manager form, five have a mayor/council form and one, Los Angeles, has a mayor/council/commission form.

The following deals with specific appointment powers:

Who appoints	Sacramento 475,000	Fresno 495,913	Oakland 425,068	El Paso 606,913	Seattle 594,210
City Manager	Council	Mayor	Mayor	Council	Mayor
City Treasurer	Council	N/A	Elected	N/A	Mayor
City Clerk	Council	Council	City Admin	City Manager	Council
City Attorney	Council	Council	Elected	Mayor w/majority of council	Elected
Department Directors	City Manager	City Manager	City Admin	City Manager	Mayor w/Council Approval
Commissioners/ Committee Members	Council	Mayor	Council	Council	Some Mayor/Some Council
Subordinate Staff	Dept. Dir.	Dept. Dir.	Dept. Dir.	City Manager	Dept. Dir.

Note: The Charter amendment proposed by initiative would have the mayor appoint the city manager and all of the charter officers with concurrence of council. The mayor's appointments would be automatically confirmed if there is no council action. The mayor also would appoint department directors, committee/commission members, and subordinate staff (all exempt employees.)

The City of Sacramento had 4,100 full time employees in June of 2009. Of these 600 (14% of the workforce) are exempt employees (800 when the economy recovers and more are hired). Presently the council, including the mayor, hires and fires the city manager with a 2/3 vote. The manager hires all but the charter officers who are named by the council: Treasurer, Attorney, and Clerk, and those officers hire their own staff. The Personnel and Public Employees Committee of the council reviews candidates for boards and commissions and sends nominations to the mayor who makes the appointment.

Residual Powers and Delegation

The City of Sacramento is a municipal corporation. It can act only through authorized persons. The City Charter must clearly state who is authorized to act for the city.

The Charter explicitly delegates certain powers. For example, the mayor has the power to make appointments to boards and commissions, with the concurrence of the city council. Throughout the Charter specific powers and duties are explicitly conferred on the mayor, city manager, city treasurer, city attorney, police chief, fire chief, boards and commissions and others. The powers not specifically delegated are the “residual powers.”

The current city charter provides: *All powers of the city shall be vested in the city council except as provided in this Charter.* Thus, the Charter grants all the residual powers to the city council.

If the council’s powers are limited (as the initiative proposes) there is a need to delegate the residual (the unnamed) powers to some office or body. The initiative proposes to limit the council’s powers to legislative and quasi judicial. It does not explicitly delegate the residual powers. One example of such powers is the power to contract. Presently the council has that power although it may delegate it to other officers, specifically to the city manager. Another is the power to bring a lawsuit.

In California, a city council retains all residual powers in most cities with the exception of Los Angeles. It is unclear as to who would hold the residual powers under the initiative proposal.

Term Limits: City Councils and Mayors

City councils in 84 cities in California have term limits for city council officials and 27 cities have full time councils, according to the League of California Cities. A few mention specific terms for the mayor. Some of the northern California cities with term limits include Fresno, Fremont, Oakland, Palo Alto, Pleasanton, Roseville, San Jose, and Stockton. Of the 13 cities (including Sacramento) surveyed by the Charter Review Committee, most had term limits for mayor and a number had term limits for council members. Term limits existed in both council-manager and mayor-council forms of governance.

The Sacramento City Charter does not contain term limits for council members or mayors.

Full Time Council

Of the cities surveyed by the Charter Review Committee, four had full time council members, two were in mayor-council cities and two were in council-manager cities. The Sacramento City Council is part time.

Budget Process

The current City Charter provides that the annual city budget is prepared under the supervision of the city manager and approved by the city council by resolution after one or more public hearings. The budget is an instrument of city power and priorities. Used wisely, a budget can move a community forward to attain goals benefiting all residents. When abused, a budget can squander community resources and saddle residents with debt for many years.

The budget is a tool for implementing city policy. Budget decisions dictate city priorities through the levels of funding allocated to various departments, programs, and projects. Control of the budget process confers power over city priorities. A portion of the budget is dedicated to

non-discretionary mandates imposed by voters or state or federal law. Public safety accounts for another large portion.

Currently, budgets are adopted by majority vote of the city council including the mayor. The city manager develops a budget in accordance with policies adopted by the council. The city manager controls the process with no independent oversight, but the council can amend the budget by majority vote. While the city manager is not elected, he answers to the elected council. An initiative petition proposes an ordinance establishing the position of independent budget analyst for the city. The council favors such an analyst but has not enacted such an ordinance. If the council does not enact the analyst ordinance, the measure will go on the June 2010 ballot.

Note: The charter amendment proposed by initiative provides that the annual city budget would be prepared under the supervision of the city manager as directed by the mayor. The budget must be approved by the city council by the start of the fiscal year. If the council fails to act on the budget by this date, the budget would be deemed approved as proposed by the mayor. If the council modifies all or part of the proposed budget, the mayor may approve or veto the proposed amendments. If the council does not overturn the mayor's veto by six affirmative votes, the mayor's modifications, and the remainder of the budget, would be deemed approved.

Elected officials are not allowed under law to bind future officeholders to multi-year budgets or expenditure commitments. This limitation focuses the budget process on the immediate budget year, rather than long term implications of budgetary decisions. As a result, decisions made when revenues are plentiful may penalize local governments during periods of economic recession. This trend is especially evident in the approval of short term labor agreements.

Some local governments are moving toward biennial budgets that allow fiscal staff to devote time to long term economic analysis instead of being constantly involved in an annual budget cycle.

Consensus Questions

Under what conditions should a city change its form of governance?

Is Sacramento better suited for a council-manager form of governance (present system) or a mayor-council form?

Should the mayor of Sacramento have additional appointment powers?

What additional powers are needed and for what purpose?

What changes should be made, if any, to the present Sacramento City Budget process? Who should draft a budget for council deliberation?

Should council members, including the mayor, have term limits? If so, what length should the terms be?

The mayor position is full time, should council positions also be full time?

Should the council continue to have those powers not explicitly delegated in the charter (residual powers)?