

SPECIAL JOINT MEETING

**SACRAMENTO CITY COUNCIL
SACRAMENTO COUNTY BOARD OF SUPERVISORS
AND
AD-HOC CHARTER COMMISSION**

MONDAY, MAY 21, 1990

1:30 P.M.

**BOARD OF SUPERVISORS CHAMBERS
COUNTY ADMINISTRATION BUILDING, SUITE 1450
700 H STREET
SACRAMENTO, CALIFORNIA**

I HEREBY CALL a Special Meeting of the Sacramento City Council to meet jointly with the Sacramento County Board of Supervisors and the Ad-Hoc Charter Commission, at the date, time and location specified above, for the purpose of considering and acting upon matters relating to Personnel Provisions and Veto Power of the Mayor, for the proposed Consolidation and Charter.

Members of the public are invited to attend the public hearing and present their comments.

ISSUED: This 18th day of May, 1990.



ANNE RUDIN
MAYOR

ATTEST:



VALERIE A. BURROWES
CITY CLERK

SACRAMENTO AD-HOC CHARTER COMMISSION

MONDAY

MAY 21, 1990

1:30 P.M.

Please Note Date and Location: The Ad-Hoc Commission Meeting will be held on May 21, 1990 at 1:30 p.m. in the Board of Supervisors Chambers, 700 H Street, Suite 1450.

A G E N D A

ITEM NO. 1) Roll Call

ITEM NO. 2) Ad-Hoc Charter Commission Summer Budget

Action Required: Receive and File

ITEM NO. 3) Unresolved Personnel Issues

- A) Inclusion of Charter Language Mandating Fact Finding as Part of Initial Employer-Employee Relations Ordinance
- B) Inclusion of Charter Language Mandating that Scope and Duties of Safety Auxiliaries be Subject to Negotiations

Action Required: Receive and File

ITEM NO. 4) Powers of the Mayor and Separation of Powers

- A) Veto Power
- B) Other Mayoral Powers

Action Required: Receive and File

ITEM NO. 5) Opportunity for Public Comment on Other Matters Not on This Agenda but Within the Jurisdiction of This Commission

Action Required: Receive and File

ITEM NO. 6) Adjourn

ACTION SUMMARY

SACRAMENTO AD-HOC CHARTER COMMISSION
1010 8TH STREET
SACRAMENTO, CALIFORNIA

Held jointly with the Sacramento City Council
and the Sacramento County Board of Supervisors

MONDAY

MAY 21, 1990

1:30 P.M.

Members:	Ashizawa, Brewer, German, Kalb, Knieriem, Lozano, Moose, Nauman, Phillips, Reyna, Shelby, Simon, Thomas, Tooker, Walters
Alternates:	Dean, Hoyt, Mihanovich
Members Present:	Brewer, Dean, Knieriem, Mihanovich, Moose, Nauman, Thomas, Walters
Members Absent:	Ashizawa, German, Hoyt, Kalb, Lozano, Phillips, Reyna, Shelby, Simon, Tooker

ITEM NO. 1) Roll Call

Roll was called at 1:45 p.m. for the three joint bodies and a quorum was achieved of all bodies (the Charter Commission achieved a quorum at 2:30).

ITEM NO. 2) Ad-Hoc Charter Commission Summer Budget

Roy Brewer, Commission Chairman, explained the need for an extended budget through the summer months noting that the Commission will have finished its assigned task by the end of June. However, staff will be necessary to answer questions, coordinate speakers, and to disseminate information. Both the City Manager and the County Executive suggest that the respective elected officials provide the funding for this staff through the November election.

Bob Smith, Executive Director, elaborated that the funding will be paid out of the Cable Television Fund, as is currently the case. Also, both the City Manager and the County Executive have considered the amount of staff they would have to add to cover the information requests and feel that keeping the current Charter Commission staff on in a reduced capacity would be beneficial.

Supervisor Smoley expressed her nervousness about the Charter Commission's ability to place their Charter on the ballot without the consent of the elected officials. Funding should not be continued for something that the elected officials have no control over.

Supervisor Grantland Johnson noted that the outcome of the Charter Commission's efforts will reflect a consensus, not any one individual's wants or desires. Funding should be continued whether or not the elected officials agree with the final product. This is the only way to guarantee an impartial Charter proposal.

Supervisor Collin stated that the overriding responsibility of the elected officials is to get something to the voters in November even if this means more funding. We need to get an option before the voters so they can decide their future.

Councilman Chinn said he would vote against continued funding. The City Council should not be identified with this Charter proposal.

Supervisor Streng remarked that the process has come too far not to continue funding through the election.

Action Taken:

Board of Supervisors

Approved the motion to accept the proposed Charter Commission budget as presented in the Richter/Slipe memo of May 9, 1990, through the end of November 1990.

Moved by Supervisor Collin. Seconded by Supervisor Streng.

AYES: Collin, G. Johnson, Smoley, Streng

NOES: none

ABSENT: T. Johnson

City Council

Approved the motion to accept the proposed Charter Commission budget as presented in the Richter/Slipe memo of May 9, 1990, through the end of November 1990.

Moved by Councilman Serna. Seconded by Pane.

AYES: Ferris, Mueller, Pane, Rudin, Serna

NOES: none

ABSENT: Chinn, Fargo, Kastanis, Robie

ITEM NO. 3) Unresolved Personnel Issues

A) Inclusion of Charter Language Mandating Fact Finding as Part of Initial Employer-Employee Relations Ordinance

B) Inclusion of Charter Language Mandating that Scope and Duties of Safety Auxiliaries be Subject to Negotiations

Supervisor Grantland Johnson asked that Steve Lakich, City Employee Relations, and Dee Contreras, of Local #39, come forward to present the proposed personnel language.

Steve Lakich explained that labor and management reached an agreement on the two outstanding issues, fact finding and public safety auxiliaries.

All parties have agreed to have fact finding in the initial employee relations ordinance and to adopt the City's impasse procedure except for a change in the comparable jurisdictions. In the letter of

understanding signed by the various parties, the comparable cities will be those six cities currently used by the City. To affect this change, language should be changed under the employer-employee relations policy Article 15(d)(3)(i) to state "City-County job classifications shall be compared to comparable job classes in private and public employment in the Sacramento metropolitan area, and in public employment in comparable local jurisdictions in size and function in the state, to the extent such can be reasonably done."

All parties have also agreed to additional language under Section 1303 (k) in the proposed Charter. This would add, to the end of the sentence, the following language "except that period of employment and the scope of duties of such auxiliaries shall be subject to any applicable collective bargaining requirements."

Supervisor Smoley noted that she does not like having all these specifics in the Charter. This document should be as skeletal as possible.

Supervisor Collin explained that these few personnel provisions are required to ensure the peace of mind of current employees. They have worked hard for what they have and want to know they will not lose any benefits because of the merger.

George Lotz, of the Sacramento County Sheriff's Department, noted that the Sheriff's department will probably agree with this proposed language, but will have to review the formal language before deciding a position.

Bob Smith asked that the vote on this issue be held until formal language is presented by the Commission.

ITEM NO. 4) Powers of the Mayor and Separation of Powers

Please Note: This Item was taken before Item 3.

Roy Brewer stated that this item will be on the Commission's May 29 agenda for further discussion. There has been a great deal of dialogue already, but the Commission felt that there should be another opportunity for discussion on the Mayor's powers and the separation of powers between the Council of Supervisors and the Mayor.

Mayor Rudin asked for a review of the appointment of the Affirmative Action Officer.

Bob Smith reviewed the Affirmative Action Officer appointment process noting that the Mayor will have the responsibility for this appointment. This contrasts the past positions of both elected bodies which would have the CAO make this appointment.

Mayor Rudin stated also that she thought Section 503 was for the appointment of the Vice Mayor as is currently the practice in the City of Sacramento. Perhaps this could be a 1 or 2 year position appointed by the Council of Supervisors, or even the Chair of the Council. Whichever scenario is chosen, there should not be a Mayor and a Chair; both positions are not needed and will only lead to confusion.

Mr. Brewer responded that the Commission feels that the Mayor should have the right to appoint his/her Vice Mayor who will speak on his/her behalf.

Mayor Rudin continued that the Mayoral veto power should not be limited or reduced as suggested by some elected officials.

Supervisor Collin does not feel that the restrictions on the Mayoral veto power are thorough enough. There should also be language added to the Charter which specifically states what can and cannot be vetoed by the Mayor, especially restrictions against vetoing collective bargaining agreements (CBA's) and land use decisions. The Mayor can be strengthened with the use of line item budget veto.

Current Charter language does not give the Council of Supervisors the authority to approve CBA's unilaterally. These agreements must be approved by both the Council of Supervisors and the Mayor, with the Mayor having veto authority over these decisions. This must be amended to allow the Council of Supervisors full approval authority without Mayoral approval or Mayoral veto. The Mayor should also not be able to veto appointments to the Policy Planning Commission. These appointments should be left completely up to each Supervisor.

Mr. Brewer responded that the vetoing of Policy Planning Commission appointments was the only way to give the Mayor some input on who is on this commission and would give a broader perspective to the commission.

Commission Counsel, Janet Robinson, explains that the Mayor would have veto power over the appointments to the PPC because this would fall under 'enactments of the Council of Supervisors.' Also, there has been some question under internal procedural matters (Section 503) and language has been changed to state the intent as 'enactments regulating the conduct of meetings of the Council of Supervisors.'

Supervisor Collin continued, saying the Mayor should not be the one to select who will speak for him/her during his/her absence. The Chair of the Council of Supervisors should take over this position.

Purpose clauses should be added to the Charter for both the Council of Supervisors and LCC Sections. Charter language should also be clarified regarding the Subdivision Map Act.

Lee Elam, County Counsel, noted that current Charter language does not allow the Council of Supervisors to approve a CBA without the concurrent approval of the Mayor. This in effect allows the Mayor to veto any CBA without the possibility of override by the Council of Supervisors.

Roy Brewer stated that this language will be reviewed again to clarify the Commission's intent that the Council of Supervisors does have the ability to approve a CBA without the Mayor's concurrence and the ability to override the Mayor's veto of CBA's with 7 votes.

Councilman Serna questioned why it is necessary to have the Mayor sit with the Council of Supervisors if he/she has no voting ability. This does not make sense. Also, the Mayor's position seems to be getting watered down. If veto authority is removed, the Mayor will only be an official greeter for the new City-County.

Roy Brewer explained that this system was suggested at a previous joint meeting and would allow the Mayor to sit with and preside over the Council of Supervisors, hear testimony, and be prepared when the Council took action to either veto or approve their actions based upon the testimony presented.

Councilman Sema also stated that there could be as much abuse of land use decisions made by the Council of Supervisors as there could be by the Mayor using his/her veto power. Without the veto, the Mayor's ability to lead will be paralyzed. Someone in the new government will have to stand up for the tough decisions that have to be made and this person should be the Mayor, who is elected City-County wide.

Councilwoman Ferris raised concerns over the Mayor's ability to veto land use decisions made by the Council of Supervisors.

Supervisor Grantland Johnson stated that he has a hard time accepting the current position of the Mayor and Council of Supervisors. The proposed language is weak enough; the veto should not be weakened further.

It would be very difficult for the Mayor to override any decision that has the clear support of the Council of Supervisors. However, on votes that are split 6 to 5, the Mayor (who runs at large) may decide to side with the small but significant minority.

Supervisor Grantland Johnson asked for a review of the proposed language in Section 409.

Roy Brewer explained that the Mayor will preside as the Chair of the Council meetings and in the Mayor's absence, the Chair of the Council of Supervisors (who is selected by his/her peers) presides. The Acting Mayor, appointed by the Mayor, will exercise all powers, except Chairing the meetings.

Supervisor Smoley feels that there is no need for a Chair of the Council of Supervisors if the Mayor will be acting in this capacity. Ideally, the Mayor should Chair the meetings and have a vote. However, as a compromise position, the Mayor's veto could be overridden by 7 votes of the Council of Supervisors, with a limitation on the veto excluding land use decisions or CBA's.

Supervisor Streng agreed with Supervisor Smoley that having a Chair and Mayor would be duplicative and the Chair's position should be eliminated.

Also, four years of working with the current Board of Supervisors has shown that a simple majority is the best form of government. However, 7 votes, instead of 8, for an override of Mayoral vetoes could be a compromise position.

Councilman Pane expressed his feelings that sometimes it is important for a Mayor to stand up and oppose some of the decisions made by the Council of Supervisors. If the current City of Sacramento had this power, many of the controversial development projects probably would not have been approved. The strength derived from the veto is needed in this community.

The current City Manager position wields a great deal of power without being accountable to the voters of Sacramento; and decisions are made on the basis of how many votes are available on the City Council. These decisions should be made by a person who is elected by the people and is accountable to the people.

Supervisor Toby Johnson opposes having one individual dominating the collective views of the Council of Supervisors. This is contrary to good government.

Councilwoman Mueller agrees with the comments put forth by Supervisor Collin that there is no need for a Chairperson from the Council of Supervisors if the Mayor will be acting as Chair of the Council. In supporting the veto, the Mayor is being given the benefit of the doubt that he/she will be responsible to the general public's wishes and not abuse the veto authority.

Public Comment:

Glenn Carlson stated that the veto power could be used in an ill-advised way, but there is also log-rolling with any elected body. The Mayor will be able to control this if he/she has the power. There is also the power of the override which will give the system its necessary checks and balances. The veto will be a way to control the vote trading in the Council of Supervisors that happens even under the current system.

Action Taken:

Board of Supervisors:

Asked that language be reviewed by both the City Attorney and County Counsel regarding collective bargaining agreements and land use decisions, and their veto by the Mayor.

City Council:

Approved the motion to reaffirm the Mayor's veto with the Council of Supervisors authority to override with 8 votes.

Moved by Councilwoman Mueller. Seconded by Councilman Pane.

AYES: Ferris, Mueller, Pane, Rudin, Serna

NOES: none

ABSENT: Chinn, Fargo, Kastanis, Robie

ITEM NO. 5) Public Opportunity to Discuss Matters Not On This Agenda But Within Commission Jurisdiction

No requests to speak were received.

ITEM NO. 6) Adjourn

The meeting was adjourned at 3:47 p.m.

Respectfully submitted,


ALICE JARBOE, Clerk
Sacramento Ad-Hoc Charter Commission
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SACRAMENTO AD-HOC CHARTER COMMISSION

1010 8th Street, Sacramento, CA 95814 * 440-5600

May 21, 1990

TO: Honorable Mayor and Members, Sacramento City Council
Honorable Members, Sacramento County Board of Supervisors

FROM: Roy E. Brewer, Chairman

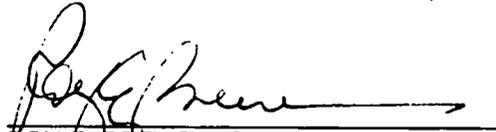
SUBJECT: AD-HOC CHARTER COMMISSION SUMMER BUDGET

On Tuesday evening, (May 15) the Charter Commission met and one of the items we discussed related to maintaining a minimal Commission staff through November to provide factual information to interested groups and individuals while also assuring that all the administrative and technical tasks relating to putting the Charter proposal before the people are completed. In addition, staff would be involved in organizing a speakers bureau, providing historical documentation for the effort, and a myriad of other activities that are outlined in the letter and recommendation put forth by your City Manager and County Executive.

The Commission took a formal vote to support the request and it was unanimous. We strongly believe that this request should be granted to assure that these administrative tasks are performed properly and that the public, yourselves, and the media have access to a neutral group of experts not affiliated with the campaign.

We also believe that this additional allocation will ultimately result in greater savings. If no Charter Commission staff is present, City and County staff would have to perform these functions. This would result in more expense, a loss of expertise, encumber City and County staff with additional work, and become a potential liability to the Charter's success. Therefore, we believe from both a practical and administrative viewpoint that this request should be granted.

In addition, the Commission asked me to reiterate once again our willingness to continue serving as an advisory Commission to the transition government should the Charter pass in November. We believe that the transition will be complex and, as the group most familiar with the intent of the Charter, we could advise the transition board on overall aspects of the Charter. We believe that this role is necessary, and that the Commission would best be able to perform this function.



ROY E. BREWER, Chairman
Sacramento Ad-Hoc Charter Commission

PH:adj

90'060

TABLE 1
Government Structure in Cities Over 500,000

Name	Population 1984 Census Estimate	System
1. New York	7,164,742	Mayor—No CAO
2. Los Angeles	3,096,721	Mayor—Appt. CAO
3. Chicago	2,992,472	Mayor—Appt. CAO
4. Houston	1,705,697	Mayor—No CAO
5. Philadelphia	1,646,713	Mayor—Appt. CAO
6. Detroit	1,088,973	Mayor—No CAO
7. Dallas	974,234	Council/Manager
8. San Diego	960,452	Council/Manager
9. Phoenix	853,266	Council/Manager
10. San Antonio	842,779	Council/Manager
11. Honolulu	805,266	Mayor—Appt. CAO
12. Baltimore	763,570	Mayor—no CAO
13. San Francisco	712,753	Mayor—Appt. CAO
14. Indianapolis	710,280	Mayor—Appt. CAO
15. San Jose	686,178	Council/Manager
16. Memphis	648,399	Mayor—Appt. CAO
17. Washington D.C.	622,823	Mayor—Appt. CAO
18. Milwaukee	620,811	Mayor—Appt. CAO
19. Jacksonville	577,971	Mayor—Appt. CAO
20. Boston	570,719	Mayor—Appt. CAO
21. Columbus	566,114	Mayor—Appt. CAO
22. New Orleans	559,101	Mayor—Appt. CAO
23. Cleveland	546,543	Mayor—no CAO
24. Denver	504,588	Mayor—no CAO

<u>No CAO</u>	<u>Council/Manager</u>	<u>Weak CAO</u>	<u>Strong CAO</u>
Baltimore	Dallas	Chicago	Los Angeles
Cleveland	San Diego	Philadelphia	San Francisco
Denver	San Jose	Honolulu	Washington, D.C.
New York	San Antonio	Indianapolis	Jacksonville
Houston	Phoenix	Memphis	New Orleans
Detroit		Milwaukee	
		Boston	
		Columbus	

Source: 1987 Municipal Yearbook, International City Management Association