



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www.CityofSacramento.org

Consent
February 16, 2010

Honorable Mayor and
Members of the City Council

Title: Ordering and Giving Notice of a Measure for Inclusion on the June 8, 2010,
Primary Municipal Election Ballot – Independent Budget Analyst Act of
2009

Location/Council District: Citywide

Recommendation: Adopt a **Resolution** ordering and giving notice of an initiative ordinance measure to be placed on the June 8, 2010, ballot regarding the proposed addition of chapter 2.33 (Establishment of Office of the Independent Budget Analyst) and amendment of chapter 2.32 (Department of Finance) of the Sacramento City Code.

Contact: Stephanie Mizuno, Assistant City Clerk, 808-8093;
Shirley Concolino, City Clerk, 808-5442

Presenters: N/A

Department: City Clerk's Office

Division: N/A

Organization No: 04001021

Description/Analysis

Issue: Council action is necessary to place a qualified initiative measure before City voters.

Policy Considerations: This action is consistent with the California Elections Code, the Sacramento City Charter, and the Sacramento City Code.

Environmental Considerations: None

Commission/Committee Action: None.

Rationale for Recommendation: On August 6, 2009, the City Council accepted the Sacramento County Registrar of Voters "Certificate of Petition" declaring that the Independent Budget Analyst Act of 2009 initiative petition contained sufficient signatures to qualify for the ballot pursuant to law. On February 2, 2010, the City Council approved a motion to direct staff to return to Council with a resolution ordering the qualified initiative to the June 8, 2010 ballot.

As required by California Elections Code, the City Council must adopt a resolution that will place the measure on the June 8, 2010 Primary Municipal Election ballot.

Financial Considerations: The estimated cost to add a citywide contest to the June ballot is approximately \$104,000.

Emerging Small Business Development (ESBD): Not applicable.

Respectfully Submitted by: 
Stephanie Mizuno,
Assistant City Clerk

Recommendation Approved:


for Shirley Concolino
City Clerk

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ATTACHMENT 1

RESOLUTION NO.

Adopted by the Sacramento City Council

ORDERING AND GIVING NOTICE OF THE SUBMISSION OF A QUESTION TO THE QUALIFIED VOTERS OF THE CITY OF SACRAMENTO TO ADD CHAPTER 2.33 (ESTABLISHMENT OF OFFICE OF INDEPENDENT BUDGET ANALYST) AND AMEND CHAPTER 2.32 (DEPARTMENT OF FINANCE) OF THE SACRAMENTO CITY CODE AT THE PRIMARY MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 8, 2010

BACKGROUND

- A. On January 26, 2010, the City Council adopted Resolution 2010-032 calling for, and giving notice of, a Primary Municipal Election to be held on Tuesday, June 8, 2010. The same day, the City Council also adopted Resolution 2010-033 requesting consolidation of the Primary Municipal Election with the Statewide Primary Election of June 8, 2010.
- B. On August 6, 2009, the City Council accepted the Sacramento County Registrar of Voters "Certificate of Petition" declaring that the Independent Budget Analyst Act of 2009 initiative petition contained sufficient signatures to qualify for the ballot pursuant to law.
- C. On February 2, 2010, the City Council approved a motion directing staff to return to Council with a resolution ordering the qualified initiative to the June 8, 2010 ballot.
- D. The City Council desires to submit that initiative measure to the voters at the June 8, 2010 Primary 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 proposed measure be submitted to the voters in the City of Sacramento, California on Tuesday, June 8, 2010:

Measure – Independent Budget Analyst Act of 2009

<p>“Shall the ordinance establishing the “Office of the Independent Budget Analyst,” whose function is to assist the Sacramento city council in the conduct of budgetary inquiries and making of budgetary decisions, with specified duties and reporting responsibility to city council; requiring city council review after nine years to determine whether the office is cost effective or should be abolished; and making the city’s department of finance responsible to the city’s chief executive officer, be adopted?”</p>	YES
	NO

SECTION 2: The text of the proposed measure to be 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 Elections 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 or 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.

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Exhibit A – Measure Text

EXHIBIT A – MEASURE TEXT

Be it enacted by the People of the City of Sacramento:

SECTION 1. TITLE

This initiative measure may be known and referred to as the “Independent Budget Analyst Act of 2009.”

SECTION 2. FINDINGS AND DECLARATION OF PURPOSE

A. The City of Sacramento is facing one of the worst budget crises in its history. Traditional sources of revenue to the City are experiencing a dramatic downturn, while the cost of providing and the demand for City services are increasing.

B. At the state level, the Legislative branch has benefitted from obtaining objective and unbiased advice from the Office of the Legislative Analyst. That office provides the state Legislature with fiscal analyses of policy proposals, critiques of the Governor’s budget proposals and suggests long-term fiscal reforms. Other cities have created similar positions for the benefit of their city council.

C. The City Council and the taxpayers of the City of Sacramento will benefit from the same clear, objective, and unbiased analysis and advice regarding all legislative items bearing financial impacts to the City. Therefore, the People hereby enact the Independent Budget Analyst Act of 2009.

SECTION 3. ESTABLISHMENT OF OFFICE OF INDEPENDENT BUDGET ANALYST

Chapter 2.33 shall be added to Title 2 of the Sacramento City Code, as follows:

2.33.010 Office of Independent Budget Analyst

There is hereby created the Office of Independent Budget Analyst, a city department whose designated function is to assist the city council in the conduct of budgetary inquiries and in the making of budgetary decisions.

2.33.020 Independent Budget Analyst

(a) The Independent Budget Analyst is the administrative head of the department and shall be appointed by majority vote of the city council.

(b) 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.

2.33.030 Qualifications of the Independent Budget Analyst

Appointees serving as Independent Budget Analyst shall have the professional qualifications of a college degree in finance, economics, business, or other relevant field of study or a relevant professional certification. In addition, such appointees shall have experience in the area of municipal finance or substantially similar equivalent experience. No person shall be eligible to serve as the Independent Budget Analyst or a member of the staff of the Independent Budget Analyst who, during the previous eight years, has served on the staff of a city chief executive officer or city councilmember, or has been a registered lobbyist with the city.

2.33.040 Duties of the Independent Budget Analyst

The duties of the Independent Budget Analyst shall include:

- (a) providing a formal, comprehensive review and analysis of the proposed annual budget;
- (b) gathering, organizing, and analyzing data and information relative to budgetary issues;
- (c) providing comparative studies of other cities as they relate to municipal finance;
- (d) engaging in fiscal forecasting and planning, including developing means of financing long-range capital improvement programs;
- (e) analyzing the city's past, current, and proposed revenues and expenditures;
- (f) reviewing existing and potential tax revenues;
- (g) analyzing federal, state, and local programs to determine sources of funding and appropriate expenditure options;
- (h) reviewing the economic effects of proposed legislation;
- (i) constructing economic models and indices as directed by the city council;
- (j) preparing fiscal and economic project analysis as directed by the city council;
- (k) providing policy research and fiscal analysis on proposed legislation;
- (l) preparing such other reports relating to budgetary and legislative policy concerns as directed by the city council; and
- (m) making recommendations to the city council in connection with the analysis, studies, and reports described herein.

2.33.050 Budget

The city shall appropriate a reasonable budget for the Office of Independent Budget Analyst.

2.33.060 Conflict of Interest Code

A conflict of interest code shall be adopted for the Independent Budget Analyst and staff of the Independent Budget Analyst, subject to city council approval. The Independent Budget Analyst and members of the staff of the Independent Budget Analyst shall be required to complete and file statements of economic interests in accordance with the conflict of interest code.

SECTION 4. DEPARTMENT OF FINANCE

Chapter 2.32 of Title 2 of the Sacramento City Code shall be amended, as follows (deletions of existing language are denoted by strike-out type and additions of new language are denoted in underline type):

2.32.010 Department of Finance

The department of finance shall be responsible to the chief executive officer city manager for the financial affairs of the city.

2.32.020 Director of Finance

The director of finance shall have direct supervision over the department of finance and the administration of the financial affairs of the city and shall carry out any duties imposed by the city charter and the chief executive officer on the controller. For purposes of this title, the director of finance shall mean the director or his or her designee.

SECTION 5. AMENDMENT

- (a) Notwithstanding Elections Code section 9217, the city council may amend this Act to further its purposes without submission to the voters.
- (b) After nine years, but not later than ten years after the effective date of this Chapter, the city council shall assess the overall cost to operate the Office of Independent Budget Analyst, and the cost savings attributable to recommendations of the Office of Independent Budget Analyst.
- (c) After the assessment required by subdivision (b) of this Section is complete, the city council may by majority vote abolish the Office of Independent Budget Analyst if the assessment demonstrates that the Office of Independent Budget Analyst is not providing a net cost savings to the city.