



# **Checks and Balances Act of 2012**

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**Presentation to the Mayor and Council**

January 17, 2012



# Agenda

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- **Background and context**
- Governance overview
- Key issues and next steps



# Brief History of Charter Change in Sacramento

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- **1921** Council-Manager system established
- **1958** Residence requirements for Council Members
- **1970** Election of 8 Council Members by District + Mayor
- **1988** Commission explored city-county model with executive mayor
- **2002** Full-time Mayor and Compensation Commission
- **2008 –** Ongoing discussion on potential governance and other changes

*Source: Sacramento Charter Review Committee, 2009*



# Common Themes Driving Charter Change: 2012

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## Evolving dynamics of city

- Increased size and diversity of population
- Increased complexity of issues and interdependencies

## Evolving nature of governing responsibilities

- Greater need for “coalition-building” outside formal city apparatus
- Heightened sophistication of key roles and functions

## Evolving structure needed to address city issues

- Stalled ability of parochial model to resolve city-wide issues
- Sustained underperformance in key areas (e.g. safety, economy)

## Evolving public expectations

- Greater demand for accountable, ethical and transparent leadership
- Higher expectations for citizen involvement and engagement



# Recent Proposals to Change Charter

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- **Government Accountability & Charter Reform Measure** (*December 2008*)
  - Transition to Mayor-Council structure
  - Independent Budget Analyst
- **Charter Review Committee Report** (*November 2009*)
  - Maintain Council-Manager structure
  - Slight enhancements to Mayoral powers
  - Same appointment process for Attorney, Clerk, Treasurer
  - Effective November 2012
- **Accountability Plan** (*June 2010*)
  - Modified Mayor-Council structure
  - Ethics ordinance
  - Term limits
  - Voter Reapproval



# Recent Public Discussion on Charter Changes

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- **38 months** of public debate and discussion
- **32,433 voters** supported initiative to shift to mayor-council system
- **60 hours of public discussion** during seven-month Charter Review Committee
- **36 town halls and community meeting** presentations
- **16 City Council meetings** of public discussion and analysis
- **Additional public input and discussion** via media (e.g. articles, television reports, editorials, op-eds, blogs, etc)



# Checks and Balances Act of 2012

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- 1. Executive Mayor**
- 2. Independent Council**
- 3. Ethics and Transparency**
- 4. Independent Redistricting Commission**
- 5. Voter Re-Approval**



# Checks and Balances Act of 2012

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## 1. Executive Mayor

- Voters elect Mayor as chief executive
- Proposes budget
- Nominates/removes City Manager only
- Limited veto authority
- State of the City
- Minimum four open town halls per year



# Checks and Balances Act of 2012

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## 2. Independent Council

- Council President presides over Council Meetings
- Amends and approves budget with Budget Analyst
- Confirms City Manager
- Solely appoints/removes other charter and city officers
- Overrides vetoes
- Two Council Meetings in community per year



# Checks and Balances Act of 2012

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## 3. Ethics and Transparency

- Sunshine ordinance to promote open government
- Code of Ethics for city officials and appointees
- Citizens' Ethics Committee
- Voter approval for >5% salary raises for Mayor and Council
- Prompt posting of key public materials



# Checks and Balances Act of 2012

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## 4. Redistricting

- Commission selected independent of Mayor and Council
- Decisions are binding
- Council has option to add ninth district



# Checks and Balances Act of 2012

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## 5. Voter Re-Approval

- Effective November 27, 2012 (start of new terms)
- Expires December 2020 if not re-approved by voters



# Substantial Input and Feedback Incorporated

#	CHANGE FROM “STRONG MAYOR INITIATIVE”	FEEDBACK DRAWN FROM			
		CAO Analyses	Council Input	CRC	Public Input
1	Reduced Mayor’s appointment authority from 4,000 employees to City Manager + Mayor’s Office	X	X	X	X
2	Council solely appoints/removes City Attorney, Treasurer, Clerk, Auditor and Budget Analyst	X	X	X	X
3	City Manager retains appointment of subordinates	X	X	X	X
4	Mayor’s budget not automatically adopted if Council hasn’t approved by July 1	X			
5	No temporary “triple vote” power for Mayor	X			
6	Reduced scope of veto		X		
7	Protect Mayor’s accessibility to public		X		X
8	Residual powers clause clarified	X			
9	Greater flexibility on 9th District	X			
10	Institute ethics and transparency reforms		X	X	X
11	More transparent hiring of charter officers				X



# Substantial Input and Feedback Incorporated

#	CHANGE FROM "STRONG MAYOR INITIATIVE"	FEEDBACK DRAWN FROM			
		CAO Analyses	Council Input	CRC	Public Input
12	Voter re-approval provision				X
13	November 2012 effective date		X	X	
14	Voter Reapproval in eight years				
15	No term limits		X	X	
16	Make transition time longer than 30 days				X
17	Final language not "rushed" through process		X		X
18	Detailed draft language available for public input and review		X		X
19	Use of public attorneys to vet and finalize		X		X
20	Place on ballot concurrent with Mayor's race		X		X
21	No impact on contracts or collective bargaining	X	X		X
22	Prompt posting of public information online				X
23	Independent Redistricting Commission		X		X



# Advantages over the Current Charter

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- Direct Accountability to Voters
- Clear Separation of Powers
- Stronger Checks and Balances
- Robust Ethics and Transparency Reforms



# Key Takeaways

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- Sacramento at a moment ripe for charter change
- New plan culminates of three years of public discussion
- Incorporates substantial feedback from Council and community
- Significant evolution from original “Strong Mayor Initiative”



# Agenda

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- Background and context
- **Governance overview**
- Key issues and next steps



# Forms of Government

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## 1. Council-Manager:

**3,543 cities**

Origin: 20th Century Progressive Movement

Model: Corporate Structure

## 2. Mayor-Council:

**3,158 cities**

Origin: United States Constitution

Model: Executive - Legislative Structure

## 3. Commission:

**143 cities**

Origin: 20th Century Progressive Movement

Model: Committee Structure



# Mayor-Council Fundamentals

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## MAYOR

- Executive Branch
- Chief Executive
- Appoints Dept Directors
- Proposes City Budget
- Veto Authority
- Not Member Of Council

## CITY COUNCIL

- Legislative Branch
- Elects Presiding Officer
- Sets Own Agenda
- Approves City Budget
- Override Veto By 2/3 Vote
- District Elections



# Mayor-Council: Common Arguments

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## PRO'S

- Separation of Powers | Checks and Balances
- Mayor is Executive Branch
- City Council is Legislative Branch
- Structurally Flexible
- The “buck stops” with the Mayor

## CON'S

- Political levels



# Council-Manager Fundamentals

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## MAYOR

- Chair of Council with One Vote
- Member of Legislative Branch
- No executive or veto authority

## CITY COUNCIL

- Legislative Branch
- Appoints/Removes City Manager
- Approves City Budget

## CITY MANAGER

- Executive Branch
- Chief Executive
- Appoints Department Directors
- Proposes City Budget
- Sets Council Agenda



# Council-Manager: Common Arguments

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## PRO'S

- Trained Administrator

## CON'S

- Lack of Separation of Powers | Checks and Balances
- City Manager not elected by voters
- City Manager is political and can have a short tenure
- Bureaucracy protects bureaucracy
- Public perception about Mayor / City Manager
- Lines of accountability murky (The Buck Stops?)



# 25 Largest U.S. Cities

CITY	POPULATION	STRUCTURE	
1. New York City, NY	8,175,133	Mayor - Council	<b>Mayor-Council</b> 17 Cities, 68%
2. Los Angeles, CA	3,792,621	Mayor - Council	
3. Chicago, IL	2,695,598	Mayor - Council	Council-Manager 8 Cities, 32%
4. Houston, TX	2,099,451	Mayor - Council	
5. Philadelphia, PA	1,526,006	Mayor - Council	<b>Govt Change-Year</b>
6. Phoenix, AZ	1,445,632	Council - Manager	
7. San Antonio, TX	1,327,407	Council - Manager	
8. San Diego, CA	1,307,402	Mayor - Council	<u>GC 04</u>
9. Dallas, TX	1,197,816	Council - Manager*	
10. San Jose, CA	945,942	Council - Manager	
11. San Francisco, CA	815,358	Mayor - Council	
12. Jacksonville, FL	813,518	Mayor - Council	
13. Detroit, MI	810,921	Mayor - Council	
14. Indianapolis, IN	807,584	Mayor - Council	
15. Austin, TX	786,386	Council - Manager	
16. Columbus, OH	769,332	Mayor - Council	
17. Fort Worth, TX	727,577	Council - Manager	
18. Charlotte, NC	704,422	Council - Manager	
19. Memphis, TN	676,640	Mayor - Council	
20. Boston, MA	675,169	Mayor - Council	
21. Baltimore, MD	637,418	Mayor - Council	
22. El Paso, TX	620,456	Council - Manager	<u>GC 04</u>
23. Seattle, WA	616,345	Mayor - Council	
24. Denver, CO	610,345	Mayor - Council	
25. Milwaukee, WI	605,013	Mayor - Council	



## 26- 50 Largest U.S. Cities

<u>CITY</u>	<u>POPULATION</u>	<u>STRUCTURE</u>	
26. Washington, DC	599,657	Mayor - Council	<b>Mayor-Council</b>
27. Nashville, TN	546,719	Mayor - Council	<b>14 Cities, 56%</b>
28. Las Vegas, NV	567,641	Council - Manager	Council-Manager
29. Louisville, KY	566,503	Mayor - Council	10 Cities, 40%
30. Portland, OR	566,143	Commission*	
31. Oklahoma City, OK	560,333	Council - Manager	
32. Tucson, AZ	543,910	Council - Manager	Commission
33. Atlanta, GA	540,922	Mayor - Council	1 City, 4%
34. Albuquerque, NM	529,219	Mayor - Council	
35. Kansas City, MO	482,299	Council - Manager	
36. Fresno, CA	479,918	Mayor - Council	<b>GC 93</b>
37. Mesa, AZ	467,157	Council - Manager	<b><u>Govt Change-Year</u></b>
38. Sacramento, CA	466,676	Council - Manager	
39. Long Beach, CA	462,604	Council - Manager	
40. Omaha, NE	454,731	Mayor - Council	
41. Virginia Beach, VA	433,575	Council - Manager	
42. Miami, FL	433,136	Mayor - Council	
43. Cleveland, OH	431,369	Mayor - Council	
44. Oakland, CA	409,189	Mayor - Council	<b>GC 98</b>
45. Raleigh, NC	405,612	Council - Manager	
46. Colorado Springs, CO	399,827	Mayor - Council	<b>GC 10</b>
47. Tulsa, OK	389,625	Mayor - Council	<b>GC 90</b>
48. Minneapolis, MN	385,625	Mayor - Council	
49. Arlington, TX	380,085	Council - Manager	
50. Honolulu, HI	374,658	Mayor - Council	



## National Trends Favor Mayor-Council

<b>CITY</b>	<b>FROM</b>	<b>TO</b>	<b>YEAR</b>
Topeka, KS*	Commission	Mayor-Council	1985
<b>St. Petersburg, FL</b>	<b>Council-Manager</b>	<b>Mayor-Council</b>	<b>1990</b>
<b>Tulsa, OK</b>	<b>Council-Manager</b>	<b>Mayor-Council</b>	<b>1990</b>
<b>Fresno, CA</b>	<b>Council-Manager</b>	<b>Mayor-Council</b>	<b>1993</b>
<b>Oakland, CA</b>	<b>Council-Manager</b>	<b>Mayor-Council</b>	<b>1998 (2004)</b>
<b>Spokane, WA</b>	<b>Council-Manager</b>	<b>Mayor-Council</b>	<b>1999</b>
<b>Hartford, CT</b>	<b>Council-Manager</b>	<b>Mayor-Council</b>	<b>2002</b>
<b>Richmond, VA</b>	<b>Council-Manager</b>	<b>Mayor-Council</b>	<b>2003</b>
El Paso, TX	Mayor-Council	Council-Manager	2004
<b>San Diego, CA</b>	<b>Council-Manager</b>	<b>Mayor-Council</b>	<b>2004 (2010)</b>
Topeka, KS*	Mayor-Council	Council-Manager	2004
Cedar Rapids, Iowa	Commission	Council-Manager	2005
<b>Colorado Springs, CO</b>	<b>Council-Manager</b>	<b>Mayor-Council</b>	<b>2010</b>

*\* Topeka is on its 3rd system of government in the last 25 years*



# Mayor or Manager?

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- Who selects Chief Executive is the primary focus of the difference between the systems
- Role of City Council largely identical in either system
- Mayor-Council system comparatively flexible
- Council-Manager system comparatively “boilerplate”



# City Council Authority Checklist

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	<u>Council-Manager</u>	<u>Mayor-Council</u>
Executive Selection	X	VOTERS
Budget	X	X
Land Use	X	X
Legislation	X	X
Oversight	X	X
IBA		X



# Political Realities

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- 50/50 relationship | structure + people
- Government structure is critical
- Public perception
- Politics
- Results



# Common Myths

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- Corruption and cronyism
- More bickering and divisiveness
- “Power grab”
- Reduces public access to Mayor
- More political



# Agenda

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- Background and context
- Governance overview
- **Key issues and next steps**



## Key issues for discussion

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- Ninth District
- Term Limits
- Ethics Ordinance
- Redistricting Commission
- Other Language Changes in City Attorney's Report



# Timeline and Next Steps

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- **January 17**
  - Presentation on Plan
  - City Attorney's Report
  - Council discussion
  
- **January 18 – February 28**
  - Additional Council and community discussion
  - Finalize language
  - Formal placement on June ballot
  
- **February 29 – June 4**
  - Public town halls, debates and forums
  
- **June 5**
  - Citizens vote on proposed amendment to city charter

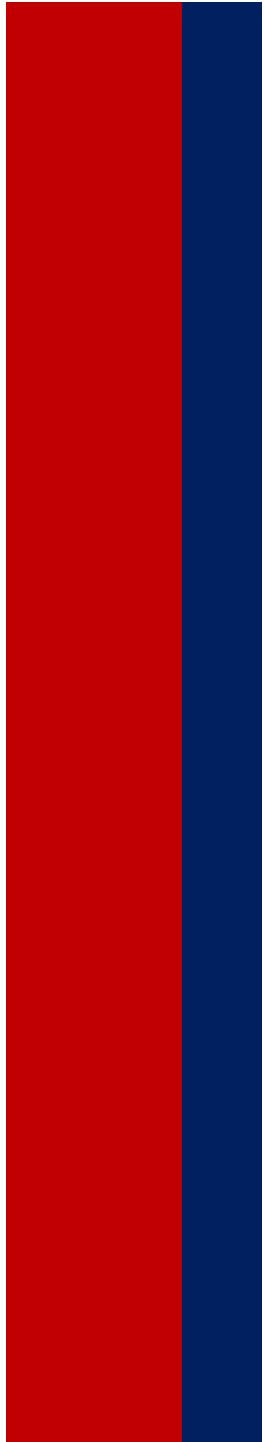


# **Checks and Balances Act of 2012**

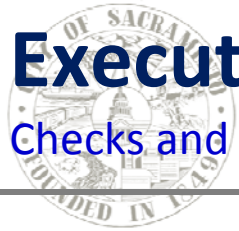
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**Presentation to the Mayor and Council**

January 17, 2012



# Appendix

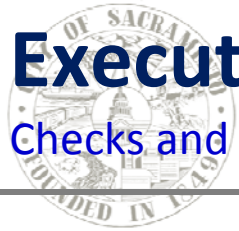


# Executive Mayor

## Checks and Balances Act of 2012

### Executive Duties

	CURRENT CHARTER	PROPOSED PLAN
Chief Executive Selected by	Council	<b>CITIZENS OF SACRAMENTO</b>
Chief Executive Officer	Appointed City Manager	Elected Mayor
Chief Administrative Officer	N/A	Appointed City Manager
Contracting Authority	Council; City Manager per ordinance	No change
State of the City required?	No	Yes. Present annually to public by March 1
Public town halls required?	No	Yes. Minimum four per year.
Maximum terms as Mayor	None	None

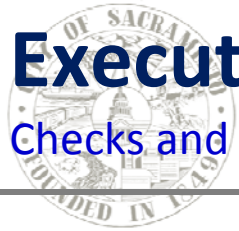


# Executive Mayor

## Checks and Balances Act of 2012

### Appointment of City Manager's Office

	CURRENT CHARTER	PROPOSED PLAN
City Manager	Appoint: Mayor and Council (5 votes) Remove: Mayor and Council (6 votes)	Appoint: Mayor w/Council concurrence w/in 30 days (5 votes) Remove: Mayor
Other staff within City Manager's Office (unrepresented)	Appointed/removed by City Manager	No change
Other staff within City Manager's Office (represented)	Appointed/removed by City Manager	No change
Boards & Commissions	Appoint and Remove: Mayor w/Council concurrence (5 votes)	No change
Mandatory public input in City Manager hiring process?	No.	Yes. Minimum one hearing during hiring process.

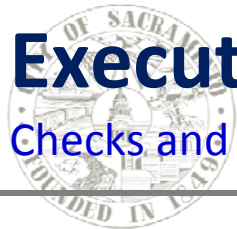


# Executive Mayor

## Checks and Balances Act of 2012

### Budget

	CURRENT CHARTER	PROPOSED PLAN
Propose and present	City Manager 60 days before fiscal year	Mayor with City Manager support 90 days before fiscal year
Amend and adopt	Mayor and Council	Council (5 votes)
Required number of public hearings	One hearing	Two hearings – first within 15 days of proposal
Council deadline to return to Mayor	N/A	30 days prior to end of current fiscal year
Contingency if not adopted in time	Prior budget effective until new budget passes	No change
Budget amendments and modifications	Same process as for adoption	No change



# Executive Mayor

## Checks and Balances Act of 2012

### Limited Veto and Council Override

	CURRENT CHARTER	PROPOSED PLAN
Scope of veto	N/A	Budget and select Ordinances
Line item veto for budget items?	N/A	Yes
Mayoral veto timeline	N/A	Veto within 10 days of receipt or automatically approved
Council override timeline	N/A	Budget: Override within 10 days of receipt or veto stands Ordinances: Override within 30 days of receipt or veto stands
Number of votes required for Council override	N/A	5 votes for 8-member Council 6 votes if 9 <sup>th</sup> member added
Items excluded from veto	N/A	<ul style="list-style-type: none"> <li>• Emergency Ordinances,</li> <li>• Ordinances required by state law</li> <li>• Election-related ordinances</li> <li>• Re-zoning, development agreements, land use decisions and actions taken at public hearing</li> <li>• Council budget and other matters under exclusive purview of Council</li> </ul>



# Independent Council

Checks and Balances Act of 2012

## Appointment of Other Charter Offices

	CURRENT CHARTER	PROPOSED PLAN
City Attorney	Appoint and Remove: Mayor and Council (5 votes)	Appoint and Remove: Council only (5 votes)
City Clerk	Appoint and Remove: Mayor and Council (5 votes)	Appoint and Remove: Council only (5 votes)
City Treasurer	Appoint and Remove: Mayor and Council (5 votes)	Appoint and Remove: Council only (5 votes)
City Auditor	Appoint and Remove: Mayor and Council (5 votes)	Appoint and Remove: Council only (5 votes)
Independent Budget Analyst	Appoint and Remove: Mayor and Council (5 votes)	Appoint and Remove: Council only (5 votes)
Other unrepresented and represented staff	Appointed/removed by appointing authority	No change
Mandatory public input in Charter Office hiring process?	No.	Yes. Minimum one hearing during hiring process.



# Independent Council

Checks and Balances Act of 2012

## Council Meetings

	CURRENT CHARTER	PROPOSED PLAN
Council Composition	Mayor + 8 Council Members elected by district	8 Council Members elected by district (option to add 9 <sup>th</sup> )
Presiding Officer	Mayor	Council President
Selection of Council Leader	Vice Mayor elected (5 votes) to one year term	Council President elected (5 votes) to 1 year term May be re-elected to successive terms
Assumes Mayor's role in case of absence or declared vacancy	Vice Mayor	Council President with limited authority
Mayor's role in Open Session	May participate and vote	May not participate or vote
Mayor's role in Closed Session	May participate and vote	May participate, but not vote
City Manager's role at Council Meetings	Participate, no vote	No change



# Independent Council

Checks and Balances Act of 2012

## Council Meetings (*cont'd*)

	CURRENT CHARTER	PROPOSED PLAN
Legislative and land use decisions	Mayor and Council	Council only
Council Meetings in community required?	No	Minimum two per year
Minimum votes needed to pass item	5 votes	No change
Maximum terms as Council Member	None	No change
Residual Powers held by	Council	No change



# Ethics and Transparency

## Checks and Balances Act of 2012

### Reforms

	CURRENT CHARTER	PROPOSED PLAN
Charter requires Sunshine ordinance?	No	Established per ordinance within 180 days of adoption
Charter requires Code of Ethics for city officials and appointees?	No	Established per ordinance within 180 days of adoption
Citizens' Committee to oversee biennial ethics review?	No	Established per ordinance within 180 days of operative date
Voter approval for >5% Mayor and Council raises?	No	Yes
Required posting of Council votes, records and audits online?	No	Within 5 days
Scope of Ordinance	N/A	Suggested topics: Ethics training and education Compliance Whistleblower resources Transparency reforms



# Redistricting

Checks and Balances Act of 2012

	CURRENT CHARTER	PROPOSED PLAN
Creation of Commission	N/A	Established per ordinance within 180 days of operative date
Selection of members	N/A	9 members (uncompensated) selected independently of Council
Commission decision binding?	N/A	Yes – Council may not modify



# Voter Re-Approval

## Checks and Balances Act of 2012

	CURRENT CHARTER	PROPOSED PLAN
Effective Date	N/A	November 27, 2012 (Start of new terms) <i>Or December 15, 2012 in case of delay</i>
Mandatory duty of Council to place on ballot?	N/A	Yes
Timeframe to place re-approval measure before voters	N/A	No later than November 3, 2020
Sunset Date	N/A	No later than December 31, 2020