

CHARTER REVIEW COMMITTEE (CRC) RECOMMENDATIONS

RESPONSIBILITIES AND OUTSIDE INCOMES OF THE MAYOR AND COUNCIL MEMBERS

Respectfully, the CRC herewith makes three recommendations for the period following 2012 elections concerning responsibilities and outside incomes of Sacramento's mayor and council members:

1. Responsibilities of the Mayor should continue to be identified as full-time, and outside income of the Mayor should not be barred. Vote: Yes—8; No—1; Abstain—0; Absent—2.
2. Responsibilities of City Council Members should be identified as full-time, and existing provisions for outside income should remain unchanged. Vote: Yes—8; No—1; Abstain—0; Absent—2.
3. Authority of the Compensation Commission should remain unchanged. Vote: Yes—8; No—1; Abstain—0; Absent—2.

These recommendations embrace two fundamental principles: (1) Duties of Sacramento's elected officials—both the mayor and council members—are inescapably full-time responsibilities, and (2) any citizen who is elected as mayor or a member of the city council should not be compelled, as a condition of service to the city, to be only a full-time politician, foregoing continued involvement in responsible activities with earned income not otherwise prohibited by existing law. These official positions are analogous to the full-time duties of military service and the 24/7 responsibilities of parents, which are not inconsistent with performance of other activities, including other 24/7 roles. These are not wage-hour jobs to be sought for payroll benefits.

A Minority Report is included following this Majority Report.

Responsibilities and Outside Income of a Mayor

The city's charter provides that the mayor's responsibilities are full-time, and the committee supports this provision. The committee also recommends that, to encourage the broadest array of highly talented potential candidates for mayor, responsible outside income should not be barred.

The city's interests are best served when the people have more choices of potential mayors. This recommendation seeks to remove barriers to serving in office for those who come from many fields, including teaching, medicine, the performing arts, law, and non-profit and business enterprise.

Many potential mayoral candidates bring skills and relationships from their fields of endeavor to their candidacy for city service. Some potentially exemplary candidates are not able completely to divorce themselves of these prior pursuits to serve as mayor, as is now required to comply with a complete ban on outside, earned income. For example, not all candidates can be expected to treat no patients, teach no students, perform on no stage, represent no clients, or offer no management of a family business during their entire tenure in public office. Moreover, these skills, relationships, ongoing contacts with non-governmental activities, and other benefits from candidates' other vocations are of potential advantage to the city. Sacramento should not limit itself outright from considering the merits of candidates with responsible backgrounds who do not choose to be *only full-time politicians*.

With the exception of judges, state law does not generally bar public officials from receiving additional, earned income, consistent with stringent legal restrictions. Banning earned income does not, of itself, address any considerations not already covered under existing law: state statute and the doctrine of incompatible offices already bar a mayor from holding another incompatible public office; disclosure laws require the nature of outside income, whether earned from labor or capital, to be made public; and all public officials are barred from engaging in decisions in which they have a potential financial conflict, regardless of the nature of the financial interest. Lastly, this recommendation does not seek to contradict the Compensation Commission's decision to capture payments from the mayor's duties related to non-city boards as part of the mayor's overall city compensation package.

Any mayoral candidate's potential conflicts, either from earned or unearned sources of income, should properly be disclosed. Consistent with the law's purpose, this disclosure should inform the voters of any issues associated with a mayoral candidate's employment or investment relationships. Moreover, a mayoral candidate's vocation—and its significance to a candidate's ability to fully devote herself/himself to the job—is a proper subject for discussion in any political campaign. This recommendation seeks to bring the widest array of qualified candidates before the public. The decision to choose any of those candidates to serve in public office should be left to the voters.

Finally, as emphasized above, this recommendation should only be operative following the election (or re-election) of a mayor in 2012, so as not to alter the terms under which the voters choose the existing mayor.

Responsibilities and Outside Incomes of Council Members

Sacramento's current charter does not explicitly designate the time a city council member is expected to devote to his or her office. The committee recommends that the charter should explicitly recognize that responsibilities of these offices are inescapably full-time, while activities realistically vary.

As elected officials serving in local government—the level of government closest to the public—city council members are expected to be knowledgeable and active in a wide array of governmental and public service activities. Council member service requires substantial time to attend community functions; meet with officials of surrounding local agencies; maintain contacts with state and federal elected officials; and be accessible to city staff, concerned residents, and responsible stakeholders in their city hall offices. On any given day, a council member can easily be expected to be attending meetings and functions beginning before breakfast and ending well after the dinner hour. In fact, the time devoted to these activities is the measure many voters use to rate the quality of their own elected official's service.

Acknowledgement of the extensive requirements to serve as a city council member honors the work of the elected official. At the same time, this recognition serves as a benchmark to the public to evaluate officials' work and to hold their representatives accountable. How a particular city council member manages these responsibilities is a matter of that individual council member's talents, style, and management skills. Each individual council member's manner of performing her or his duties is properly a subject of that member's ongoing relationships with her or his constituents. Nevertheless, it is important to recognize the depth and range of responsibilities each council member performs—or should be expected to perform.

Consistent with the recommendation above, the committee recommends that Sacramento's present provisions for responsible outside, earned income of council members should be continued. These officials

should not be compelled to be *only full-time politicians*. Such a bar would limit the range of potential candidates for city council to those seeking election to be on the city's payroll. A bar on earned income is neither required nor necessary in light of existing conflict of interest, disclosure, and other legal requirements. Sources of income, time devoted, and other considerations related to all outside income (earned or unearned) should be properly disclosed as a consideration for the voters to evaluate each individual candidate.

Authority of the Compensation Commission Should Continue Unchanged

The CRC defers to the Compensation Commission as to implementation of the principles enunciated in these recommendations. That commission's analysis of comparable pay of similarly situated local government officials, the pay commensurate with the duties of the office, and other considerations have already been addressed by the voters' adoption of a compensation commission in 2002. This committee makes no further recommendations in this regard.

In short, the issue in these CRC recommendations is how to attract highly accomplished individuals of sustained integrity to serve as council members and mayors—not for official pay but for responsible leadership via Sacramento City Service.

Proposed plan for extending the scope and schedule of the Charter Review Committee

By Cecily Hastings

Background: Over the course of the last 6 months reviewing our benchmark cities it has come to light that a complete review of the city's charter needs to include reviewing the city's district representation political structure.

Add 3 or 4 meetings beginning mid-January 2010 to give the committee time to study the subject of districts and at-large council seats to include:

Study and analyze other benchmark cities in regard to:

- District size and constituent representation
- At-large representation
- Hybrid systems of both district and at-large representation

AGENDA

Monday, November 23, 2009

*New City Hall
915 I Street – 1st Floor, Council Chamber*

All items listed are heard and acted upon by the Committee unless otherwise noted.

Call to Order – 6:00p.m.

Roll Call

Staff Comment

Committee Member Report Out

Discussion and Reports

Discussion or action reports include oral presentations including those recommending receive and file.

1. **Approval of Minutes**

Action: Approve Committee Minutes for November 16, 2009 meeting.

2. **Correspondence**

Action: Receive and File

3. **Approval of First Supplement Report including Minority Report(s)**

Action: Discussion and Approval

4. **Committee Discussion Regarding Position/Issues Following Committee Sunset**

Action: Discussion

Public Comments- Matters Not on the Agenda

Committee Ideas, Questions and Announcements

Adjournment