

**CITY OF ELK GROVE
MEASURE K**

K ELECTIVE OFFICE OF MAYOR Shall the electors elect a mayor and four city council members? A "Yes" vote means the citizens directly elect the mayor; a "No" vote continues the practice that the council chooses one of its members to preside as Mayor on an annual basis.

IMPARTIAL ANALYSIS OF MEASURE K

Prepared by Elk Grove City Attorney

LEGAL IMPACT

Background. This measure is one of three on the ballot proposing a directly elected Mayor and changing the composition of the City Council of the City of Elk Grove ("Council").

Since incorporation, the City of Elk Grove has been governed by a five-member Council. Each year, the Council selects one of its members to be the Mayor for the next twelve months. The Mayor is the presiding officer of Council meetings. The Mayor also performs certain ceremonial functions and has a few administrative duties, such as signing all minutes, resolutions, and ordinances adopted by the Council.

When general law cities seek to designate the office of elected Mayor, state law requires that voters be asked three separate but related questions. Measures K, L, and M are the proposals by the City of Elk Grove to designate the office of elected Mayor, and to determine the term of office (two years or four years) for that position.

Effect. If passed, Measure K would designate the office of elected Mayor in the City of Elk Grove from one of the current five representative seats. The Mayoral seat would represent and be qualified from within the City limits. This designation would then change the number of Council districts (to either four or six).

The elected Mayor would continue with the duties listed above. In addition, as the elected Mayor in a general law city, state law provides the Mayor would also have the power to appoint members to boards, committees, and commissions, subject to the approval of the Council. This means that an elected Mayor selects individuals for appointments, but subject to the Council's right to reject Mayoral appointments. These appointments include regional boards, commissions, and committees and all appointments to Council subcommittees. The Council may withhold approval of an appointment submitted to it by the Mayor, but may not dictate to the Mayor who the appointee must be. An elected Mayor's power extends to the power to appoint members of the City's Planning Commission, again subject to the approval of the Council.

Measure K requires a simple majority vote to pass. If passed, the first opportunity to elect the Mayor would be in November 2012, when the next general election for the City of Elk Grove is scheduled.

A **"YES"** vote is a vote to create the office of elected Mayor for the City of Elk Grove.

A **"NO"** vote is a vote to continue the existing practice of allowing the Council to designate a Mayor annually.

FISCAL IMPACT

Designating the office of elective Mayor would require the City to present another measure establishing new districts. To establish new district configurations to vote on the directly elected Mayor by the November 2012 election, the City would need to consolidate with a special election, incurring an estimated one-time cost of \$60,000. If a two-year term of office is selected there would be an additional, approximate election cost of \$9,000 every fourth year beyond election contests currently conducted by the City.

Respectfully submitted,
Susan Burns Cochran
City Attorney

FULL TEXT OF MEASURE K

ELECTIVE OFFICE OF MAYOR

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**NO ARGUMENT IN FAVOR OF OR AGAINST
MEASURE K WAS FILED**