

**CITY OF SACRAMENTO
MEASURE M**

M

Elected Charter Commission "Shall a charter commission be elected to propose a new charter or to revise the charter?"

IMPARTIAL ANALYSIS OF MEASURE M

Prepared by Sacramento City Attorney

Measure M proposes the election of a charter commission. The ballot also includes a list of candidates for the office of charter commissioner. If a majority of voters approve Measure M, the 15 candidates for the office of charter commissioner receiving the highest number of votes will organize as a charter commission. If Measure M is not approved, no charter commission shall be deemed to have been elected.

A city charter is an electorate-approved document that is commonly referred to as a city's "constitution." The California Constitution provides that a city charter has the force and effect of state law. Charter cities have the power to make and enforce all ordinances and regulations regarding municipal affairs. Charters act as instruments of limitation on the broad power of charter cities over municipal affairs. Under the California Constitution, city charters may provide, in addition to other matters, for the regulation of a city police force; subgovernment within the city; conduct of city elections; and the election, appointment, removal, and compensation of city officers and employees.

The City of Sacramento is a "charter city." The current Sacramento City Charter consists of 19 articles. Among other things, the charter establishes the form of city government; allocates authority within city government; provides for elections, as well as initiatives, referenda, and recalls; identifies council-appointed city officers; establishes a civil service board and allows for the creation of other boards and commissions; sets forth requirements and procedures for city contracting; and contains various provisions regarding employee compensation and employer-employee relations.

An elected charter commission as proposed by Measure M is authorized by the California Government Code. The commission may propose revisions or amendments of the current city charter; it also may propose an entirely new charter. The commission's proposals shall be signed by a majority of the charter commissioners and filed with the city clerk. After the commission files its proposals with the city clerk, the proposals must be submitted to the voters. The commission's proposals are effective only upon adoption by a majority of the voters who vote on them and the subsequent filing of the proposals with the California Secretary of State.

An elected charter commission ceases to exist two years from the date of the charter commissioners' election, by operation of law.

A "yes" vote is in favor of establishing a charter commission. A "no" vote is against establishing a charter commission. A majority of "yes" votes is required for the measure to pass.

Sandra G. Talbott
Interim City Attorney

FULL TEXT OF MEASURE M

"Shall a charter commission be elected to propose a new charter or to revise the charter?"

ARGUMENT IN FAVOR OF MEASURE M

Voting Yes on Measure M will give Sacramentans the opportunity to study our City's Charter and potentially reshape and improve how our local government works. In recent years, there has been much debate around controversial proposals that would dramatically change how our city is governed. Instead of making

important changes to Sacramento's City Charter behind closed doors—like the Strong Mayor Initiative was launched—Measure M would create an elected charter commission of local citizens working through a transparent process to review how our city government works. Too often we hear complaints about special interests controlling the process – Measure M would provide an open and formal process to study how our local government works and research potential changes that might improve our city. It will allow Sacramentans to have a voice in the process and an opportunity to vote on any suggested changes to the charter. The City of Los Angeles used a charter review commission to improve its governance by adding an ethics commission and empowering neighborhood councils, among other reforms. Sacramento may be ripe for similar reforms. The cost of the commission has been questioned. Let's be clear – Measure M would create a temporary commission comprised of unpaid citizen commissioners using current city resources. No new staff would be hired. No new bureaucracy would be created. Sacramento may not be clamoring for charter change, but voters must have a chance to decide, to say yes or no. Isn't the establishment of the charter commission an open method to answer these questions? Yes on M will allow fifteen unpaid commissioners to review the city charter and bring any proposed recommendations back to Sacramentans for a public vote. This is democracy at its best – transparent, responsive and holding public institutions accountable. Let Democracy work – Vote Yes on Measure M.

s/Rick Bettis, Board Member, Common Cause of Greater Sacramento

s/Bill Edgar, City Manager, City of Sacramento (Retired)

s/Anne Rudin, Mayor, City of Sacramento (Retired)

s/Eric Guerra, President, Tahoe Park Neighborhood Association

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE M

In June, Sacramento faced a \$15.7 million deficit. Citizens filled City Hall asking to keep critical programs for at risk youth and developmentally disabled family members. Neighbors pleaded with the Council to protect their communities. At the same time, a few Councilmembers pushed Measure M to the ballot, costing taxpayers more than \$200,000.

If Measure M passes the City will spend a minimum \$600,000 and risk millions more - for what? To create a new City commission that even supporters admit is unnecessary.

Why do we need a new charter commission? Less than 2 years ago, the City Council created a charter committee, funded by taxpayers. Citizens spent months studying the City Charter, resulting in very few recommendations.

Why use an L.A. solution from the 1990's for a problem that doesn't exist in Sacramento today? Measure M is based on the Los Angeles charter review process that drew litigation and ultimately cost tax payers the equivalent of \$2.5 million.

Why create a bureaucracy controlled by special interests? The Sacramento Bee wrote, "city charter panel will be a special interest slugfest" (7/15/12) with over 50 candidates made up of "heavy hitters in local politics" (8/10/12). The Bee exposed several candidate campaign costs "paid for by interest groups" (8/13/12).

Measure M is flawed with no equal rights protections, no accountability and no requirement for transparency. Don't waste tax dollars on a bad idea. Please join community leaders from across the City and vote No on Measure M.

s/Dustin Smith, Acting President, Sacramento Police Officers Association

s/Cecily Hastings, Publisher, Inside East Sacramento, McKinley Park Resident

s/Aaron Zeff, Founding Board Member and Past President Midtown Business Association

s/Kathi Windheim, President Friends of the Library, Pocket-Greenhaven

s/Angelique Ashby, Vice Mayor, City of Sacramento

ARGUMENT AGAINST MEASURE M

Due to record deficits, \$15.7 million this fiscal year alone, and another projected \$7.6 million deficit next year, the City of Sacramento has made severe cuts to services to balance its budget. As a result, three fire stations are browned out every day. More than 160 police officers have been laid off. Nine Community Centers that served seniors and youth are closed. The City Animal Shelter is open half days. The Parks Department's budget has been slashed in half and all 12 city pools are slated for closure next summer. The Building Department has had service cuts, making it difficult for businesses and homeowners to pull permits and schedule inspections.

Despite the fact that Sacramento has a budget shortfall, a few Councilmembers pushed Measure M to the ballot at a cost of over \$200,000. If Measure M passes, it will cost a minimum of \$600,000 to implement, and risks millions more. Why spend tax dollars to create a new bureaucracy with no accountability, no oversight, no transparency, and no requirement for an outcome?

This flawed measure is modeled after a 15-member commission that cost the City of Los Angeles more than \$1.8 million dollars in the 1990's (the equivalent of \$2.5 million today). Measure M will likely cost Sacramento even more in legal fees. Similar measures have been rejected by courts as unconstitutional because Measure M does not guarantee equal representation for all neighborhoods, a violation of the Voter's Rights act.

In June, 2012, The Sacramento Bee wrote: "Pull the Plug on Elected Charter Commission. An elected charter commission is a bad idea for Sacramento at the wrong time." We agree.

Join small business, firefighters, police officers, community and neighborhood leaders from throughout Sacramento. Vote NO on M. Please visit www.McostsSac.com for more information.

s/Angelique Ashby, Vice Mayor, City of Sacramento

s/Mark Abrahams, Community Activist, Land Park resident

s/Jonathan Rewers, Chair, Sacramento Parks and Recreation Commission

s/Roger Niello, President/CEO, Sacramento Metro Chamber

s/Brian Rice, President, Sacramento Area Fire Fighters Local 522

REBUTTAL TO ARGUMENT AGAINST MEASURE M

Measure M asks the citizens of Sacramento the basic question: Do we want to review and update our City Charter?

The current City Charter dates back to the 1920's. There have since been over 50 separate elections to amend the Charter, resulting in over 150 different Charter amendments. We've seen layers upon layers of separate amendments approved in a piecemeal fashion over the past 90 years, with NO comprehensive review.

A Yes on Measure M will allow an impartial and independent group of Sacramento citizens to review our city government structures in a thoughtful and comprehensive manner. After this review is completed, the citizens of Sacramento will have the opportunity to vote on whether or not to approve any recommendations that come forward. This would all happen in the open with ample public hearings, and not behind closed doors. The residents of Sacramento—not special interests—will control this process.

The opponents compare Measure M to the cost of the charter review of Los Angeles – a city of nearly 4 million. They are wrong. In fact, the Sacramento City Council was clear in their direction—the commissioners would be unpaid and use only existing staff resources. The Council also capped the amount of additional

financial support from the City of Sacramento at no more than \$25,000.

The choice is simple – Vote Yes on Measure M to allow democracy to work and allow citizen leaders elected by us to review and improve our government structures or maintain the status quo.

s/Anne Rudin, Mayor, City of Sacramento (Retired)

s/Bill Edgar, City Manager, City of Sacramento (Retired)

s/Rick Bettis, Board Member, Common Cause of Greater Sacramento

s/Eric Guerra, President, Tahoe Park Neighborhood Association