



Charter Review Committee

City of Arts & Innovation

TO: CHARTER REVIEW COMMITTEE MEMBERS DATE: January 13, 2020

FROM: CITY ATTORNEY'S OFFICE WARDS: ALL

**SUBJECT: REFERENCES TO "MAYOR AND MEMBERS OF THE CITY COUNCIL" IN
CHARTER SECTION 403, AND MAYOR PRO TEMPORE VOTING IN
SECTION 405**

ISSUE:

On December 9, 2019, the Charter Review Committee (the "Committee") approved an amendment to the City Charter which would, among other changes related to the Mayor's powers, give the Mayor a vote, and redefine "City Council" to include seven councilmembers and the Mayor. Staff was asked to research the issue as to whether "The Mayor and" should be removed as redundant from the phrase "The Mayor and members of the City Council" in Charter section 403, and if the sentence "The Mayor Pro Tempore . . . shall vote only as member of the Council, not Mayor Pro Tempore" should be changed to "The Mayor Pro Tempore . . . shall vote as a member of the Council" in Charter section 405.

RECOMMENDATION:

That the Charter Review Committee approve deleting "The Mayor and" from Section 403 and changing Section 405 to read "The Mayor Pro Tempore . . . shall vote as a member of the Council."

BACKGROUND:

On December 9, 2019 the Committee conceptually approved a Charter amendment which would give the Mayor a vote. Member Teichert asked if the words "The Mayor and" should be removed as redundant from the phrase "The Mayor and members of the City Council" in Charter section 403, and if the sentence "The Mayor Pro Tempore . . . shall vote only as member of the Council, not Mayor Pro Tempore" should be changed to "The Mayor Pro Tempore . . . shall vote as a member of the Council" in Charter section 405.

Member Bristow raised the question whether references to the Mayor and City Council in the Charter should remain distinct notwithstanding the proposed redefining of "City Council", since the offices of the Mayor and City Council members would remain distinct from one another.

Staff has researched both changes and believes that such changes are appropriate. Staff was unable to locate any instance which would create confusion between the two offices.

For the Committee’s ease of reference, the following table includes the current Charter section 403 language, the Committee approved amended Section 403 language, and Member Teichert’s suggested amendments, in **bold**.

Current Charter Language	Committee Approved Amendment	Member Teichert’s Suggested Amendment
<p><u>Sec. 403. Compensation.</u></p> <p>The Mayor and members of the City Council shall receive compensation for their services as such, and in addition, when on official duty, shall receive reimbursement for their necessary expenses on order of the City Council. In January of every odd-numbered year, the City Council shall review the compensation including salary and benefits, of the Mayor and members of the City Council, and shall establish any increase in compensation of the Mayor and/or the members of the City Council. No increase in salary shall exceed 5 percent of their then-existing salary. Compensation shall be fixed by ordinance, adopted by not fewer than five affirmative votes of the City Council, after a noticed, public hearing, notice of which has been given by publication at least fourteen days prior to such hearing.</p> <p>Once a level of compensation for City Council members and the Mayor is established, such</p>	<p><u>Sec. 403. Compensation.</u></p> <p>The Mayor and members of the City Council shall receive compensation for their services as such, and in addition, when on official duty, shall receive reimbursement for their necessary expenses on order of the City Council. In January of every odd-numbered year, the City Council shall review the compensation including salary and benefits, of the Mayor and members of the City Council, and shall establish any increase in compensation of the Mayor and/or the members of the City Council. No increase in salary shall exceed 5 percent of their then-existing salary. Compensation shall be fixed by ordinance, adopted by not fewer than five <u>six</u> affirmative votes of the City Council, after a noticed, public hearing, notice of which has been given by publication at least fourteen days prior to such hearing.</p> <p>Once a level of compensation for City Council members and the Mayor is established, such</p>	<p><u>Sec. 403. Compensation.</u></p> <p>The Mayor and m<u>Members</u> of the City Council shall receive compensation for their services as such, and in addition, when on official duty, shall receive reimbursement for their necessary expenses on order of the City Council. In January of every odd-numbered year, the City Council shall review the compensation including salary and benefits, of the Mayor and members of the City Council, and shall establish any increase in compensation of the Mayor and/or the members of the City Council. No increase in salary shall exceed 5 percent of their then-existing salary. Compensation shall be fixed by ordinance, adopted by not fewer than five <u>six</u> affirmative votes of the City Council, after a noticed, public hearing, notice of which has been given by publication at least fourteen days prior to such hearing.</p> <p>Once a level of compensation for City Council members and the Mayor is established, such</p>

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For the Committee’s ease of reference, the following table includes the current Charter section 405 language, in pertinent part, the Committee approved amended Section 403 language, and Member Teichert’s suggested amendments, in **bold**.

<p><u>Sec. 405. Duties of Mayor; Mayor Pro Tempore; Council tie—Mayor’s vote</u></p> <p>[. . .]</p> <p>The City Council shall designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. In the absence of the Mayor, the Mayor Pro Tempore shall assume the duties of the Mayor. The Mayor Pro Tempore shall conduct the Council meetings and shall vote only as a member of the Council, not as Mayor Pro Tempore. In the event of a tie vote, the Mayor Pro Tempore shall not have a tie-breaking vote and Council vote shall be recorded as a negative or “nay” vote. With regards to the veto power, the Mayor Pro Tempore shall not have the power to veto acts of the City Council.</p>	<p><u>Sec. 405. Duties of Mayor; Mayor Pro Tempore; Council tie—Mayor’s vote</u></p> <p>[. . .]</p> <p>The City Council shall designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. In the absence of the Mayor, the Mayor Pro Tempore shall assume the duties of the Mayor. The Mayor Pro Tempore shall conduct the Council meetings and shall vote only as a member of the Council, not as Mayor Pro Tempore. In the event of a tie vote, the Mayor Pro Tempore shall not have a tie-breaking vote and Council vote shall be recorded as a negative or “nay” vote. With regards to the veto power, the Mayor Pro Tempore shall not have the power to veto acts of the City Council.</p>	<p><u>Sec. 405. Duties of Mayor; Mayor Pro Tempore; Council tie—Mayor’s vote</u></p> <p>[. . .]</p> <p>The City Council shall designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. In the absence of the Mayor, the Mayor Pro Tempore shall assume the duties of the Mayor. The Mayor Pro Tempore shall conduct the Council meetings and shall vote only as a member of the Council, not as Mayor Pro Tempore. In the event of a tie vote, the Mayor Pro Tempore shall not have a tie-breaking vote and Council vote shall be recorded as a negative or “nay” vote. With regards to the veto power, the Mayor Pro Tempore shall not have the power to veto acts of the City Council.</p>
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FISCAL IMPACT:

None.

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