



City of Arts & Innovation

Charter Review Committee

Memorandum

TO: CHARTER REVIEW COMMITTEE **DATE: SEPTEMBER 15, 2021**

FROM: CITY ATTORNEY'S OFFICE **WARDS: ALL**

SUBJECT: (AMENDED) DRAFT AMENDMENT TO CITY CHARTER REGARDING MAYOR'S POWERS

ISSUE:

On August 18, 2021, the Charter Review Committee directed Member Goldman to work with City staff to amend and return to the next Committee meeting with proposed City Charter language regarding the Mayor's powers.

RECOMMENDATION:

1. Review the proposed Charter amendment language, revise the language if necessary, and adopt the charter amendment language.
2. If the Committee adopts the charter amendment language, to direct staff to draft and return to the next Charter Review Committee meeting with a draft Final Report recommending the the proposed charter amendment language to the City Council in December.

BACKGROUND:

At the April 21, 2021 Charter Review Committee meeting, the Charter Review Committee ("Committee") approved a proposed amendment to the Mayor's powers in the City Charter and directed City staff to return with proposed City Charter amendment language for the Committee's review.

On May 11, 2021, the City Council extended by six months the Committee's time to consider both the "Granting the Mayor a Vote" and "Publication of an annual report on written complaints or whistle-blower complaints . . .", and directed that those proposals should now be considered for the November 2022 ballot. The City Council granted this extension so as to allow this Committee to focus solely on the GFT referral in time for the July 2021 deadline. The City Council gave the Committee until December 2021 to make its final recommendation on "Granting the Mayor a Vote" to City Council. As a result of the City Council's extension, the Committee tabled the "Granting the Mayor a Vote" item until August 18, 2021.

On August 18, 2021, the Committee considered its proposed "Granting the Mayor a Vote" Charter amendment language with suggested changes and questions from City staff. Although the Committee did not formally vote on these changes, Member Goldman, chair of the subcommittee tasked with reviewing the "Granting the Mayor a Vote" item, stated that the subcommittee had decided that all references to "line item veto" would be deleted from the proposal. City staff also

noted that it would insert “veto authority over charter officer contracts” to the proposed language. Discussion was had concerning the proposed fourteen days the Mayor would have to veto any formal action taken by vote of the City Council. City staff advised that the fourteen-day veto period might prove problematic since City contracts could not be acted upon for at least fourteen days following City Council approval. Member Goldman tentatively offered to amend the language to make the veto period five days instead. Finally, City staff expressed concern regarding the vagueness of the sentence including the phrase “out of town” in the proposed language. The phrases “out of town” and “returns to the City” are vague and indefinite. Staff recommends that the Committee address this language to remove any vagueness or ambiguity in the proposed language. The tentative proposed City Charter language is attached hereto as **Attachment 1**.

Unfortunately, due to a family emergency of a City staff member, City staff was unable to meet with Member Goldman at a scheduled meeting time before the deadline to publish this Report. Staff recommends that the Committee review the tentative language changes and formally vote to adopt proposed City Charter amendment language to present to the City Council.

FISCAL IMPACT:

None.

Prepared by: Elliot Min, Deputy City Attorney

Attachment: Red-line Mayor’s Power City Charter Amendment