

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: 02/16/10

Reviewed by: BP

SUBJECT: Report from Charter Review Committee Re. Elected v. Appointed City Attorney

REPORT BY: Jacqueline L. Bucholz, City Clerk

CHARTER REVIEW COMMITTEE RECOMMENDATION:

The Charter Review Committee recommends that the City Council place the question of whether the City should have an elected or appointed City Attorney before the voters at a future election.

BACKGROUND

In June, 2005 the Charter Review Committee (CRC) voted to endorse a change to the Charter to provide for the appointment rather than the election of the City Attorney, with a recommendation to the Council that it consider the issue and submit the issue to the voters.

On August 8, 2005, the matter went before the City Council with a motion made by the Council to send this issue back to the CRC for further deliberations and asked that when it comes back to the Council that the CRC provide a list of pros/cons on elected v. appointed City Attorney.

DISCUSSION

The CRC invited the following people to speak on the subject of elected v. appointed City Attorney:

- Gary Ragghianti, former elected City Attorney for San Rafael and former appointed City Attorney for Belvedere and Tiburon.
- Robert Zweben, elected Attorney for Albany.
- Beth Pollard, City Administrator for Albany.

The discussions of the CRC included five areas related to selecting a City Attorney:

- Role & Responsibility
- Competence
- Independence
- Accountability
- Cost

SUSTAINABILITY IMPACT

N/A

FINANCIAL IMPACT

The CRC addresses the potential cost factors of an elected attorney compared with an appointed attorney in its report.

The estimated cost of placing a ballot measure before the voters at election opportunities in the near future is as follows:

June 8, 2010: The County Registrar of Voters advises that a ballot measure on this election date would cost between \$5 and \$7 per registered voter, although it may be less depending on what other agencies have measures on this ballot. In 2008, the City had 10,672 registered voters; this places a rough estimate of the cost of a June election at between \$50,000 and \$75,000. The deadline to submit a measure for the June election is March 12, 2010.

November 2, 2010: The City has a regularly scheduled municipal election on this date. The cost to place a measure on this ballot is the incremental costs for printing and mailing associated with this measure. The deadline to submit a measure for the November election is August 6, 2010.

Attachments:

CRC Report, dated February 5, 2010.