

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

Agenda Date: 05/17/10

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 1) 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 and 2) that the City engage outside counsel to write the City Attorney Impartial Analysis of the ballot measure.

BACKGROUND

At the Council meeting of February 16, 2010, the City Council referred the matter of elected v. appointed City Attorney back to the Committee with the following directives: 1) Prepare a ballot measure for the November, 2010 election. 2) Asked for additional information, such as: contract costs, impartiality with a divided Council, pros/cons, civil rights discussions, RFP from StopWaste.Org regarding hiring an appointed Attorney. 3) A Sunset Clause to be added. 4) City Attorney to prepare the ballot language with review by the Charter Review Committee.

The Council asked to have this information back for the second meeting in May.

DISCUSSION

The City Attorney prepared draft ballot language that includes a sunset clause, which was approved by the Committee. Specifically, the language reads:

Effective at the November 2010 election, the City Attorney shall be elected from the City at large for a term ending on December 5, 2011. Commencing December 6, 2011, or sooner if there is a vacancy in the office, the City Attorney shall be appointed by the City Council as provided herein. The purpose of the one-year term is to provide for a period of transition between an elected and appointed attorney.

The Committee was divided on the question of whether the current City Attorney should prepare the Impartial Analysis and on a vote of 3-2, with one abstention, the following motion was approved: That the City Council engage outside counsel to write the City Attorney Impartial Analysis of the ballot measure.

SUSTAINABILITY IMPACT

N/A

FINANCIAL IMPACT

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

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 County consolidation cost, which at the 2008 election was \$0.70 per registered voters (10,672 x \$0.70 = \$7,470.40) is already being paid by the City for the regular municipal election of elected officials.

The deadline to submit a measure for the November election is August 6, 2010.

Attachments:

CRC Report, dated May 10, 2010.