

**CITY OF ALBANY
CITY ATTORNEY’S IMPARTIAL ANALYSIS OF MEASURE " S "**

**CITY CHARTER AMENDMENT TO DELEGATE APPOINTMENT
AUTHORITY FOR CITY OFFICERS AND DEPARTMENT HEADS, EXCEPT
FOR THE CITY ATTORNEY, FROM THE CITY COUNCIL TO THE CITY
MANAGER, AND TO DELEGATE AUTHORITY ORGANIZING THE CITY TO
THE CITY MANAGER**

Albany City Charter section 3.01 currently provides that all officers and department heads of the City of Albany shall be appointed by the City Council and shall hold office at the pleasure of the City Council. Further, section 3.17 provides that all officers shall have the power to appoint their own deputies when the same are necessary, subject, however to the confirmation of the City Council.

On June 3, 2024, the City Council voted to place Measure “ S ” on the November 5, 2024 General Municipal Election. If approved by a majority of Albany voters, Measure “ S ” would amend sections 3.01 and 3.17 of the City Charter to delegate this appointment authority for City officers and department heads, except for the City Attorney, from the City Council to the City Manager. The City Attorney would still be appointed by and serve at the pleasure of the City Council.

This Measure would give the City Manager the direct authority to hire, discipline and terminate officers and departments heads of the City, subject to applicable City civil service rules and procedures. Measure “ S ” also provides that City officers’ power to appoint their own deputies would be subject to confirmation of the City Manager, not the City Council. The one exception would be the City Attorney who would continue to be directly appointed by and serve at the pleasure of the City Council.

Measure “ S ” would also delegate from the City Council to the City Manager the power to create, abolish, or reorganize departments and divisions as necessary for the proper administration of the City business, to the extent not inconsistent with the City Charter.

Measure “ S ” also removes certain outdated language from Section 3.01 about an elected City Attorney and makes other technical conforming amendments throughout Chapter 3 of the City Charter (titled “Administration”) consistent with the above.

Measure “ S ” requires simple majority approval of Albany voters to pass. If Measure “ S ” does not pass, the language in the City Charter shall continue to provide for all officers and department heads of the City of Albany to be appointed by the City Council and the organization of the City would remain with the City Council.

The above statement is an impartial analysis of Measure " S ". If you desire a copy of the Measure, please call the City Clerk’s office at (510) 528-5710 and a copy will be mailed at no cost to you.

/s/

MALATHY SUBRAMANIAN
City Attorney