

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

Agenda Date: 08/18/05  
Prepared Date: 07/11/05  
Reviewed by: \_\_\_\_\_

**SUBJECT:** Report from Charter Review Committee

**REPORT BY:** Beth Pollard, City Administrator

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**CHARTER REVIEW COMMITTEE RECOMMENDATION**

1. That the City Council submit a proposed amendment to the City Charter to the voters to change the term of Committee/Commission appointees from four years to two years (appointments or re-appointments to follow each general election).
2. That the City Council submit a proposed amendment to the City Charter to the voters to provide for the appointment rather than the election of the City Attorney, with a recommendation that Council consider the issue of the most appropriate timing for a submission of this issue to the voters.

**STAFF RECOMMENDATION**

If Council is interested in submitting these proposed charter amendments to the voters, June 2006 would be the earliest recommended election.

**BACKGROUND**

The City Council referred to the Charter Review Committee the matter of changing the term of Committee/Commission appointees from four years to two years, and further requested their review of a possible policy that an appointee can only serve on one Committee or Commission at a time.

**DISCUSSION**

Regarding service on more than one Committee or Commission, the Committee recommended that the Charter not be amended to limit service to a single body, but that the Council consider adopting a policy that would avoid duplication of citizen service on the City's Committees and Commissions.

However, the Committee did recommend that the Committee/Commission appointment provisions in the City Charter be amended to reduce the term of office from four years to two years. The result would be a potential change in Council Member appointments

following the Council election every two years. Current Charter provisions essentially prohibit the removal of an appointee to his/her four-year term other than for cause and then only by a majority vote of the City Council.

Although the matter of an appointed rather than elected City Attorney was not referred to the Charter Review Committee, the Committee is recommending a charter amendment to make this change. The committee noted in making the recommendation that it did not have a specific recommendation on the timing for this ballot measure.

### **ANALYSIS**

The earliest that the provisions regarding change in terms from four years to two years would be applicable to Council appointments is following the November, 2006 election. Therefore, if Council wishes to put this matter before the voters, it need not be placed on the ballot before the November 2006 election, although it could occur earlier.

The City Attorney's term expires in November, 2006. If Council is interested in putting the matter before the voters, and in a timeframe that would make it effective following the incumbent's term of office, staff would recommend placement of this charter amendment on the June, 2006 ballot. An alternative would be to defer any voter consideration until the incumbent announces his retirement. Staff does not recommend placement of such an amendment on the November, 2006 ballot because it would leave the disposition of the office in a state of uncertainty for the City, the incumbent, and other candidates, if any.

### **FINANCIAL IMPACT**

There is an incremental cost to placing a ballot measure before the voters, with the amount dependent upon what other election items are on the Albany and Alameda County ballot.

There is no cost to changing the term of office for Committee/Commission appointees. Any cost impacts of changing from elected to appointed City Attorney are uncertain at this time, but staff estimates it would be at least somewhat more costly to the City.

### **Attachment**

Charter Review Committee minutes, June 21, 2005  
Albany Charter Section 3.23. Appointee Procedures