

## Memorandum

To: Subcommittee on Interim Strong Mayor  
From: James Ingram  
Re: Proposed Charter Language for the Strong Mayor Sunset  
Date: August 1, 2007

Per the Subcommittee's request for charter language altering the sunset provisions of Charter Article XV, I have drafted the following for your consideration:

### *Proposed Charter Language*

#### Option 1- Extended Trial Period

##### **Section 255: Operative Date; Sunset of Article; Future Action by Voters**

After January 1, 2009, the revised provisions of this Article shall remain in effect for an additional period of five years (until December 31, 2014) at which time this Article shall become permanent unless the Council or people should propose to place a measure on the ballot repealing the Article or lengthening the trial period.

#### Option 2 - Extended Trial Period & Automatic Placement on Ballot

##### **Section 255: Operative Date; Sunset of Article; Future Action by Voters**

After January 1, 2009, the revised provisions of this Article shall remain in effect for an additional period of five years (until December 31, 2014). The question of whether or not this form of governance shall be made permanent must be placed on the 2014 primary ballot. However, the Council and the people reserve the right to propose amendments to the Charter before the 2014 primary election to extend, make permanent, shorten or repeal the effective period of this Article.

#### Option 3 – Brief Extension and Automatic Placement on Ballot in 2010

##### **Section 255: Operative Date; Sunset of Article; Future Action by Voters**

After January 1, 2006, the provisions of the Article shall remain in effect for a period of seven years (until December 31, 2012) at which time this Article shall be automatically repealed and removed from the Charter. The question of whether or not this form of governance shall be made permanent must be placed on the 2010 primary ballot. However, the Council and the people reserve the right to propose amendments to the Charter before the 2010 primary election to extend, make permanent, shorten or repeal the effective period of this Article.

### *Staff Discussion of These Three Options*

Some members of the Subcommittee expressed concern as to whether the Charter could bind the Council to call an election in the future, based on what happened as part of Oakland's charter reform sunset process a few years ago. If we are concerned, we could even build in to the Charter the actual phrasing that is required to appear on the ballot under Options 2 and 3. This would not provide leeway to alter the Strong Mayor system at the same time as voting on the sunset referendum. Oakland's trial period did not specify the language of the ballot proposition that would go to the voters, or sufficiently constrain the City Council in its phrasing of the election question, and that is where the potential for sabotage of their Strong Mayor sunset referendum apparently arose.

Oakland's Measure X of 1998 stated: "Section 1213. Sunset Provision. At the general election to be held in November, 2004, the City Council shall cause to be placed on the ballot a proposed Charter amendment the sole effect of which, if passed, shall be to retain the changes made to the Charter in 1998 and 1999. If that proposed Charter amendment is put before the voters and not passed, then all of said changes to the Charter shall lapse and have no further effect."

The San Francisco Chronicle reported that Oakland City Council was contemplating the possibility of tinkering with the Strong Mayor Charter language in the sunset referendum that Measure X required for November 2004. To prevent this tampering, then-Mayor Jerry Brown placed Measure P on the ballot in March 2004. "If Measure P had failed, Oakland would have reverted next year to a city manager form of government, in which the mayor was no longer the chief executive. Brown would have spent his last two years in office presiding over the City Council. If the measure had failed, the council was expected to have placed a slightly different version of the strong-mayor initiative before voters in the fall." (See Jim Herron Zamora, "Oakland OKs Libraries, Strong Mayor," The San Francisco Chronicle, March 3, 2004).

Because Option 1 does not require Council action, then it could prevent the problem that Oakland faced. Alternatively, Options 2 and 3 could be made more rigid in terms of mandating the terms of the sunset referendum to be held. The present City Council may be amenable to charter changes because its members are familiar with the problems created by the old system, and the fact that term limits are giving the members who are soon to leave that body a more long-term perspective on what is best for the City. How can we predict how a new Council might view the continuation of San Diego's successful experiment with the Strong Mayor system?