

CITY OF ALAMEDA MEASURE AA

<p>AA Proposed Ballot Measure of the City of Alameda Shall the measure amending the City Charter to clarify the prohibition against members of the City Council interfering with City Manager’s duties, authorize the City Attorney to prosecute State law misdemeanors, and amend outdated provisions, including utilizing gender neutral language, be adopted? Such amendments will be accomplished by amending Charter Sections 2-9, 2-16, 7-3, 8-2, 10-2, 10-3, 10-4, 10-4.1, and deleting Sections 2-15, 22-7, 22-8, as set forth in City Council Resolution No. 15673.</p>	YES
	NO

CITY CLERK’S IMPARTIAL ANALYSIS OF MEASURE AA

On July 7, 2020, the Alameda City Council adopted Resolution No. 15673, calling a consolidated municipal election in the City of Alameda on Tuesday, November 3, 2020, and placing a measure on the ballot in order to allow voters to decide whether to amend and repeal sections of the Charter of the City of Alameda.

If approved by the voters, the measure would amend the Charter to: (1) clarify the separation of administrative and Council functions by expanding upon the prohibition against interference by City Councilmembers with the City Manager’s duties; (2) authorize the City Attorney to prosecute State law misdemeanors; (3) replace gender references with gender-neutral language; and (4) delete provisions: (a) specifying that an office becomes vacant upon an elected or appointed official’s absence from the City without permission for more than 30 days; (b) requiring that appointments to certain boards and commissions be made between May 1 and July 1; and (c) relating to travel expenses and the hours of operation of City offices.

Under the City of Alameda’s Council-Manager form of government, the Charter separates Council functions from administrative function, prohibits City Councilmembers from interfering with the City Manager’s powers and duties, and requires Councilmembers to engage in administrative functions only through the City Manager. The measure would expand the prohibition to preclude interference by Councilmembers with other elected and appointed City officers and clarify that City Councilmembers are prohibited from: (1) giving orders to City employees under the City Manager or other officers’ jurisdiction; (2) attempting to interfere with decisions regarding contracts and administrative actions; and (3) participating in the appointment, discipline, or removal of a City employee. Violations would be subject to prosecution and forfeiture of office upon conviction.

Currently, the Charter provides the City Attorney with the authority to prosecute violations of City ordinances; the County District Attorney’s office prosecutes violations of State law. The measure would authorize the City Attorney

to prosecute State law misdemeanor offenses that occur in the City. If the measure were approved, the County District Attorney would serve in a backup role in the prosecution of misdemeanor State law offenses in the City.

The Charter currently uses gender references such as “he” and “his.” The measure would replace these gender-specific references with gender-neutral pronouns such as “they” and “their”.

The measure would delete Charter provisions: (1) specifying that absence from the City by an elected or appointed official for more than 30 days without City Council permission results in a vacancy; (2) requiring that appointments to certain board and commissions be made between May 1 and July 1; and (3) relating to travel reimbursement and the hours of operation of City offices so that these matters may be addressed through administrative policies.

The measure would take effect if approved by a majority of the voters, and the proposed amendments would be incorporated into the City Charter.

s/LARA WEISIGER
City Clerk

ARGUMENT IN FAVOR OF MEASURE AA

Measure AA amends and updates the Alameda City Charter to ensure good governance and transparency within the City of Alameda. It clarifies the roles and responsibilities of the City Council, City Manager, and City Attorney. This Charter Amendment reinforces and clarifies our Council-Manager form of government, affirming the City Manager's sole authority over personnel and procurement decisions, and explicitly prohibiting City Council Members from interfering with the City Manager's duties. Any City Council Member who violates this Charter provision will be prosecuted under State law and, upon conviction, will forfeit their office. It also delegates to the City Attorney discretion to prosecute State law misdemeanors within City government, strengthening local control and accountability. Measure AA replaces gendered terminology within the City Charter with gender neutral pronouns, to facilitate and signal a more inclusive and welcoming City and City government, and updates outdated language contained in the City Charter.

We urge you to vote YES on Measure AA to help the City of Alameda's local government operate in an efficient, fair, inclusive, and transparent way.

s/MARILYN EZZY ASHCRAFT

Mayor, City of Alameda

s/JOHN KNOX WHITE

Vice Mayor, City of Alameda

s/JIM ODDIE

Alameda City Councilmember

s/MALIA VELLA

Alameda City Councilmember

NO ARGUMENT AGAINST MEASURE AA WAS SUBMITTED

FULL TEXT OF MEASURE AA

CITY OF ALAMEDA CITY CHARTER AMENDMENTS

Section 7-3 would be amended as follows: Except for the purpose of inquiry, the City Council and its members, including the Mayor, shall deal with the administrative service under the City Manager and other appointed or elected officers solely through the City Manager or such other officer. Neither the City Council nor any member, including the Mayor, shall give orders to any subordinates under the jurisdiction of the City Manager or such other officers, either publicly or privately, nor shall they attempt to coerce or interfere, directly or indirectly, with the City Manager or such other officers, in respect to any contract, purchase of materials, or any other administrative action, nor shall they in any manner, directly or indirectly, direct, request or take part in the appointment, discipline, or removal of any employee by the City Manager or other such officers, or their subordinates. The City Council may further implement this section by ordinance, resolution, or rules of conduct. Violation of any provision of this section by a member of the Council, including the Mayor, shall be prosecuted as prescribed by State law, conviction of which shall immediately forfeit the office of the convicted member. Neither the Council nor any of the members thereof shall interfere with the execution by the City Manager of his or her powers and duties. Except for purposes of inquiry, the Council and its members shall deal with that portion of the administrative service for which the City Manager is responsible solely through him or her. An attempt by a Councilmember to influence the City Manager in the making of any appointment or the purchase of any materials or supplies shall subject such Councilmember to removal from office for malfeasance.

Section 8-2 would be amended as follows: The City Attorney shall have the authority and discretion to prosecute all violations of the ordinances of the City, and all misdemeanor offenses arising out of the laws of the State of California. The City AttorneyHe shall, subject to the general direction of the Council, board or elective officer having jurisdiction of the matter, prosecute and defend for the City, and all boards, officers and employees in their official capacity all proceedings before judicial or quasi-judicial tribunals. The City AttorneyHe shall not compromise, settle or dismiss any action for or against the City without permission of the Council. The City AttorneyHe shall not commence any action without permission of the Council or written instruction of the City Manager. The City AttorneyHe shall be the legal advisor of and attorney and counsel for the City and for all officers and boards thereof, in all matters relating to their official duties, and whenever requested in writing by any of them, the City Attorneyhe shall give ~~his or her~~ legal advice in writing.

Section 2-9 would be amended as follows: If any elected or Council-appointed officer of the City who ~~shall remove from the City or absent himself or herself therefrom for more than thirty days consecutively without the permission of the Council, or shall fail to qualify by taking the oath of office within fifteen days from the time his or her certificate of~~

election or appointment is mailed or delivered to him or her, or shall resign, or be convicted of a felony, or be adjudged insane, his or her office shall be vacant.

Section 2-15 would be deleted in its entirety in that those changes have been implemented: Repealed. All references to Councilman here in shall be changed to Councilmember.

Section 2-16 would be amended as follows: In order to use gender neutral personal pronouns, aAll references to “he” shall be changed to “they” and “his” shall be changed to “his or her” shall be changed to “their”, and all references to “him” shall be changed to “him or her” shall be changed to “them”, and all references to “himself” shall be changed to “himself or herself” shall be changed to “themselves”, and all the references shall indicate a singular individual unless the context indicates to the contrary.

Section 10-2 would be amended as follows: Each of said Boards, except the Public Utilities Board, Social Service Human Relations Board and the City Planning Board shall consist of five members. Upon nomination of the Mayor, the Council shall appoint, ~~between May 1 and July 1 of each year,~~ one member of each such Board for a term commencing the first day of July following such appointment and continuing for four years, and thereafter until the successor of such member is appointed and qualified.

Section 10-3 would be amended as follows: The Public Utilities Board shall consist of five members, one of whom shall be the City Manager, who shall have full power of participating and voting. Upon nomination of the Mayor, the Council shall appoint, ~~between May 1 and July 1 of each year,~~ one member of such Board for a term commencing the first day of July following such appointment and continuing for four years and thereafter until the successor of such member is appointed and qualified.

Section 10-4 would be amended as follows: The Social Service Human Relations Board shall consist of seven members. Upon nomination of the Mayor, the Council shall appoint, ~~between May 1 and July 1 of each year,~~ at least two members of such Board for terms commencing on the first day of July following such appointment and continuing for four years and thereafter until the successor of such member is appointed and qualified.

Section 10-4.1 would be amended as follows: The City Planning Board shall consist of seven members. Upon nomination of the Mayor, the Council shall appoint, ~~between May 1 and July 1 of each year,~~ such members as are necessary to maintain a full board, for terms commencing on the first day of July following such appointment and continuing for four years and thereafter until the successor of such member is appointed and qualified; provided, however, that nor more than two terms shall expire in any year other than by resignation of a member.

Section 22-7 would be deleted in its entirety in that these matters are handled through City administrative policies: Repealed. Traveling expenses shall not exceed actual cost of transportation, plus a reasonable per diem allowance, the latter to be fixed annually by the Council uniformly for

~~all officers and employees. Traveling expenses, except for routine duties, shall be allowed only if authorized by the Council.~~

Section 22-8 would be deleted in its entirety in that these days and hours are no longer the applicable days and hours when public offices are open and are better handled through administrative policies: Repealed. All public offices, except where otherwise provided by law, shall be open for business every day, except holidays, from 9:00 A.M. to 5:00 P.M., subject to modification by Council.