

## **Pros & Cons: Amend the Alameda City Charter -- Measure AA**

### **The Question**

“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interfering with City Manager’s duties, authorize the City Attorney to prosecute State law misdemeanors, and amend outdated provisions, including utilizing gender neutral language, be adopted?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.”

### **The Situation**

The City Charter was adopted in 1937 and it describes Alameda's Council Manager form of municipal government. In this structure, the City Manager is entrusted with all administrative functions and the Council is responsible for establishing policy, passing local ordinances, voting appropriations, and developing an overall vision for the city. The Charter prohibits the City Council and Mayor from interfering in the administrative functions of the City. In 2019, the City Council approved the formation and funding of the City Prosecutors’ Office. Currently, the City must request permission from the District Attorney to prosecute local violations of state law. Across the state, district attorney’s offices focus on prosecuting high-level crimes.

### **The Proposal**

This ballot measure would amend the City Charter.

1. New language clarifies the separation of administrative and Council functions by defining specific prohibitions against interference with the City Manager’s duties by City Council members and the Mayor. It requires that council members and Mayor work through the City Manager or other such officers on administrative functions. Violations will be prosecuted and, if convicted, Council members will be removed from office.
2. Section 8-2 expands the City Attorney’s authority to prosecute all misdemeanor violations against the Laws of California that occur in Alameda. Currently, the City Attorney has only the full authority to prosecute violations of the City Charter. The City Attorney must receive permission from the county District Attorney’s office to prosecute violations of State law.
3. It deletes language that: removes an elected or appointed officer of the City who is physically absent for more than 30 days without permission of the Council; requires appointments to Board and Commissions between May 1 and July 1; specifies travel reimbursement and hours of operation for City offices.
4. It changes personal pronouns to gender neutral.

### **Fiscal Effect**

The change in the City Attorney’s authority does not have new fiscal implications. In 2019, the City Council approved \$400,000 to create the City Prosecutor’s office pending changes to the City Charter to litigate misdemeanors.

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## **What a Yes or No Vote Means**

A **YES** vote means that the Charter will be amended with the proposed changes.

A **NO** vote means the Charter will not be amended.

### **Supporters say**

- It clarifies the role and responsibilities of the City Council, City Manager, and City Attorney.
- It replaces outdated gender terminology.
- The City Attorney knows the community better than the County District Attorney, and can better employ prosecutorial discretion.
- The District Attorney and the State Attorney General may still prosecute if the City Attorney declines or if there is a conflict of interest.

### **Opponents say**

- There are too many issues having nothing to do with one another in one ballot measure.
- The Measure requires the hiring of another City Attorney amid budget constraints.
- There is the possibility for improper influence on the City Attorney's office by elected officials since those officials hire and fire the City Attorney.
- The current prosecutorial system has worked for decades and the proponents have not justified the added expense.

### **Supporters**

Marilyn Ezzy Ashcraft, Mayor, City of Alameda

John Knox White, Vice Mayor, City of Alameda

Jim Oddie, Councilmember, City of Alameda

Malia Vella, Councilmember, City of Alameda

### **Opponents**

No opponents listed

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