

RESOLUTION NO. 2018-0317

Adopted by the Sacramento City Council

July 31, 2018

Approving Ballot Measure Text to be Submitted to the Voters in a Question Relating to Sacramento City Charter Amendment to be Included with the Consolidated General Municipal Election of November 6, 2018

BACKGROUND

- A. The City of Sacramento values transparency, accountability, and informed decision-making. Its residents support the function of an independent internal auditor's office and would like to ensure its continued operation for the foreseeable future.
- B. The office of the city auditor is a council creation by virtue of Ordinance 2009-031, which added chapter 2.18 to the city code. With five votes, the council can at any time delete chapter 2.18 of the city code and eliminate the office of the city auditor. If the city auditor position is established in the charter, the council could no longer eliminate the office of the city auditor by a vote of the council.
- C. Combining the duties of the city auditor's office and independent budget analyst's office results in greater government efficiency and accountability.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1: That the City Council approves for submittal to the voters at the November 6, 2018 General Municipal Election the measure attached hereto as Exhibit A, along with the following question:

Measure __ - Sacramento City Government Accountability and Efficiency Act

“Shall the measure amending the city charter adding the city auditor as a charter officer: combining duties of the city auditor and the independent budget analyst, as may be further prescribed by ordinance; repealing the city code related to the budget analyst; and amend the charter to allow city council to set an annual meeting calendar by resolution, be adopted?”

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Exhibit A- Sacramento City Government Accountability and Efficiency Act

Adopted by the City of Sacramento City Council on July 31, 2018, by the following vote:

Ayes: Members Ashby, Guerra, Hansen, Harris, Jennings, Schenirer, and Mayor Steinberg

Noes: Member Carr

Abstain: None

Absent: Member Warren

Attest: **Mindy Cuppy** Digitally signed by Mindy Cuppy
Date: 2018.08.08 13:55:59
-07'00'

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

Sacramento City Government Accountability and Efficiency Act

Section 1. Title, Findings, and Purpose.

A. Title.

This charter amendment and city code repeal is titled and may be cited as the “Sacramento City Government Accountability and Efficiency Act” (hereinafter, the “Act”).

B. Findings.

1. The City of Sacramento values transparency, accountability, and informed decision-making. Its residents support the function of an independent internal auditor’s office and would like to ensure its continued operation for the foreseeable future.
2. Since its first audits in 2010, the city auditor’s office has provided vital oversight, accountability, and information to the public, which has generated substantial cost savings and improved the delivery of vital city services.
3. Sacramento’s citizens and municipal management want and need to know not only whether city funds are handled properly in compliance with laws and regulations, but also whether public programs are achieving their intended purposes efficiently, effectively, and equitably.
4. Independent auditing, research, and budget analysis can provide objective information on the operations and cost-benefit analysis of government programs; assist managers in carrying out their responsibilities; inform better decision-making by elected officials; and help ensure full accountability to the public.
5. The city auditor’s whistleblower-hotline-generated investigations have detected, deterred, and resolved reported instances of fraud, waste, and abuse.
6. Recognized government auditing standards provide a framework for improved government decision-making, oversight, risk management, and accountability.
7. Combining the duties of the city auditor’s office and independent budget analyst’s office – as they existed before the adoption of this Act – results in greater government efficiency and accountability.

8. Amending the charter to grant greater flexibility to schedule regular council meetings will allow the city council to better respond to community issues.

C. Purpose and Effect.

Under current law, the city auditor is an officer established by ordinance. The city council can, by ordinance, eliminate the office of the city auditor. To help preserve city-government accountability achieved through the work of the city auditor, this Act establishes the city auditor as an officer under the Sacramento City Charter. It also combines the offices and duties of the current city auditor and independent budget analyst into one office, to consolidate functions and provide the city auditor more robust resources. Once established under the charter, the city auditor's office could no longer be eliminated by the city council.

This Act also supersedes provisions of the Sacramento City Code relating to the city auditor and independent budget analyst, while enshrining their core functions in the charter: independently assessing and reporting on city operations and services; and assisting the council in the conduct of budgetary inquiries and in the making of budgetary decisions.

This Act provides a time to transition between the city auditor appointed under the Sacramento City Code and the installation of a city auditor as a charter officer.

Under current law the charter specifies that the city council hold meetings after 5:00 PM weekly, except for four weeks as designated. This Act would authorize the council to set its annual meeting schedule by resolution, require that a majority of the regular council meetings be held after 5:00 PM, and require that all city council meetings comply with the Brown Act.

Section 2. Section 70 of the Sacramento City Charter is amended to read as follows:

§ 70 Appointive officers.

The following other city officers shall be appointed by the city council:

- (a) City Clerk;
- (b) City Attorney;
- (c) City Treasurer;
- (d) City Auditor; and

- (e) Such other officers and employees of its own body as it deems necessary.

Section 3. Section 77 is added to the Sacramento City Charter to read as follows:

§ 77 City Auditor.

- (a) The city council shall appoint a city auditor and shall prescribe the qualifications, duties, and compensation of such officer. The city auditor shall independently assess and report on city operations and services; shall assist the council in the conduct of budgetary inquiries and in the making of budgetary decisions; and shall have such other powers and duties as may be prescribed by state law and by ordinance or resolution of the city council. The city auditor shall appoint all other members of the city auditor's office.
- (b) The city auditor shall discharge the duties of the office as prescribed by ordinance enacted by the city council.

Section 4. Chapter 2.33 of the Sacramento City Code is hereby repealed.

Section 5. Section 31 of the Sacramento City Charter is amended to read as follows:

§ 31 Meetings.

The city council shall hold regular meetings and provide the time, place, and manner of holding its meetings, by annual resolution. A majority of regular council meetings shall be held after 5:00 p.m. All meetings of the council shall be open to the public, except as permitted by state law.

Section 6. Effective Date.

This Act shall take effect as provided in California Government Code sections 34459 and 34460, except that Sections 2 and 3 of this Act shall not be operational until July 1, 2019.

Section 7. Severability.

The provisions of this Act, including any portion, section, subsection, paragraph, subparagraph, sentence, clause, or word, are severable. If any provision of this Act or its application is held to be invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.