



EXECUTIVE SUMMARY
of
Eye on Sacramento's Report on Measure A

The Mayoral Accountability and Community Equity Act of 2020

September 9, 2020

The Strong Mayor Issue Was Exhaustively Debated and Settled By Voters in 2014

Most Sacramentans consider the strong mayor issue to have been exhaustively debated and fully settled in 2014 with city voters' broad rejection of Mayor Kevin Johnson's Measure L. There is simply no evidence of a sudden groundswell of public support for resurrecting the issue, particularly during what is one of the most trying times in our city's history, featuring a devastating pandemic, continued lock-downs, massive unemployment, increasing housing insecurities, extensive civil unrest, and widespread business failures. Measure A is the brainchild of one man, Mayor Darrell Steinberg, who appears to be following the cynical advice of former Chicago Mayor Rahm Emmanuel "to never let a crisis go to waste."

The Frenzied Rush to Place Measure A on November Ballot is an Affront to Democracy

It is impossible to imagine a more rushed effort to restructure Sacramento government than what has transpired with Measure A. From initial announcement of the proposal at a July 23rd press conference to the August 4th city council vote to place the measure on the November *took a mere 12 days* – amidst a public health emergency and unprecedented city unrest. The city council did not even have a final copy of the measure before it when it approved placing it on the ballot.

The mayor and city council abrogated its own rules and legislative processes for considering legislation by failing to refer the measure to its Law & Legislation Committee for review and public hearings, as required by the council's Rules of Procedure. In this regard, creating a Charter Review Committee process (as was done in 2014) where public hearings are held to thoroughly vet the many thorny issues raised by restructuring city government, was never on the table. It is hard to characterize this treatment as anything other than a fundamental breakdown and gross disregard of basic democratic norms.

Most of the Signers of the Ballot Arguments in Support of Measure A Have Potential Financial Conflicts of Interests and Why That Should Matter to Voters

Most of the authors of the ballot arguments submitted in support of Measure A have potential financial conflicts of interest in supporting the measure. They are either directly employed by, or associated with, nonprofit organizations which have received multi-million grants or contracts from the City of Sacramento, or have pending before the mayor and city council multi-million dollar requests for funding.

Such behavior raises the unpleasant, but inescapable question: are the individuals with potential financial conflicts of interests supporting Measure A because they believe, as citizens, that its adoption would be in the best interest of the city or are they doing so because Measure A would improve their organizations' chances of receiving additional city funding or economic benefits for their organizations?

City Governance Should Not Be Overhauled Without Good Cause

A city charter, like a constitution, should not be amended lightly or without demonstrable good cause. A broad revamping of the city charter which reallocates power among the city's key components should be considered with even greater circumspection and require greater justification.

Real Accountability Means Being Held to Account for Performance

While direct election of the city's chief executive officer - an executive mayor – would be one indicator of accountability, we believe that real accountability requires that a public official "be held to account" for his or her performance. On that score, we find that a city manager, who can be easily dismissed by the city council for subpar performance, is subject to far greater accountability for performance than an elected executive mayor, who can only be removed every four years or via a recall election.

Measure A Would Reduce the Influence of Councilmembers, Citizens and Neighborhoods

Since power in a city is finite, increasing the power of the mayor by handing him control over the city budget and the city bureaucracy will inevitably diminish the power of councilmembers. Because the city council would lose its power to dismiss the city manager, councilmembers will have much less influence over the city bureaucracy. The reduction in councilmember power over the city bureaucracy which Measure A would entail would necessarily reduce the influence of individuals and neighborhoods at City Hall.

Measure A Would Likely Reduce the Efficiency & Effectiveness of Government Operations, But Would Have Likely Little Impact on Major City Policies

According to an IBM study, cities with city manager forms of government are nearly 10% more efficient than cities with strong mayor forms of government. IBM's finding validates the assumption that placing executive authority in the hands of professional management that's shielded from direct political interference should yield more efficiently managed cities.

The Future Destiny of Measure A's "Sweetener" Provisions

The purpose of Measure A's sweeteners is to entice voters, who might not otherwise vote for a strong mayor proposal, to vote for Measure A in order to obtain its sweeteners. This is a form of voter manipulation that was also used by Mayor Kevin Johnson (ultimately ineffectively) in his 2014 Measure L strong mayor proposal. Almost all of Johnson's Measure L sweeteners would ultimately prove to be more popular with the public than his strong mayor proposal, as all of them were subsequently adopted by ordinance by the city council, in one form or another, following voter rejection of Measure L. The same destiny may await the sweeteners included in Mayor Steinberg's Measure A.

Hallmark of Measure A Sweeteners: Unvetted, Vague, Illusory and/or Legally Suspect

Because Measure A was rushed onto the ballot without adequate time for review, none of the sweeteners were vetted, most of them are extremely vague, a few are illusory and some may end up the subject of future legal challenges.

Measure A's \$40 Million Annual Spending Mandate: Endless Problems

Measure A includes a mandate that city budgets must annually spend at least \$40 million on "inclusive economic growth" and "youth services." At least 25% of the \$40 million must be spent on "youth services." The \$40 million annual mandate:

- (a) Will almost certainly unleash a flood of unfunded spending mandate measures (aka ballot box budgeting), which will likely range from funding set-asides for police and fire services, to city parks, libraries, the arts, etc.;
- (b) Would constitute an unfunded spending mandate, meaning the money required to fund it would have to come out of other budgeted city spending;
- (c) Would almost certainly trigger cuts to core city services, with the cuts falling most heavily on public safety spending;
- (c) Would increase pressure on city voters to *again* increase the city taxes;
- (d) Would undermine the city council's flexibility in dealing with budget shortfalls;
- (e) Includes terms that are vague and entirely undefined;
- (f) May or may not count *existing* city spending on "inclusive economic growth" and "youth services" towards the \$40 million annual spending mandate;

Executive Summary - Eye on Sacramento Report on Measure A – Page 4

- (g) Will have budgetary and public service impacts that have not been examined by city staff or publicly vetted;
- (h) May constitute an unlawful intrusion into the city council's exclusive authority to expend city funds;
- (i) Would constitute an extreme form of ballot box budgeting, as its mandated spending could not be reduced during times of falling city revenues; and
- (j) Demonstrates mayoral hypocrisy on ballot box budgeting, as he opposed a ballot box budgeting measure to fund youth services on the March 2020 ballot (Measure G).

Measure A's Ambiguous "Reauthorization" Provision

While local media has reported that the city council added a 10-year "sunset" provision before placing Measure A on the ballot, in fact it does not have a "sunset" provision. Measure A instead has an very unusual and ambiguous "reauthorization" provision, which would create a major legal uncertainty over whether Sacramento voters will ever have the right to vote to end or continue Measure A's strong mayor provisions, a right that was clearly set forth in Johnson's Measure L, which would have unambiguously expired on a date certain unless affirmatively extended by city voters.

Study: Corruption Convictions Strongly Correlated with Executive Mayor Form of Governance

A recent academic study has found that the executive mayor form of government correlates with greater municipal corruption than council-manager governments. The study found that cities with executive mayor form of government are 57% more likely to experience corruption convictions than cities using the council-manager form of government.