



To: Volunteer Citizen-Based Charter Committee

From: Cathy Standiford, Partner

Subject: Alternatives and Implications for Mayoral Voting Authority

Date: July 14, 2015

The Charter Committee is considering whether the Charter “skeleton” should recommend expansion of voting privileges for the Mayor. This memorandum provides information about alternatives and their implications the Committee may wish to consider in developing a specific recommendation. It also suggests additional information the Committee may wish to gather before reaching a decision.

Background

The existing City Charter vests all legislative power in the Common Council. The Mayor’s voting privileges are limited to breaking ties between Council members present. A review of the charters of comparable cities indicates the more common practice is for the Mayor to have the same legislative powers as City Council members, as shown in Table 1 below.

Table 1. Summary of Mayoral Voting Rights in Comparable Cities

Population Range	Full Voting Rights	Tie Breaking Only	Comments
200,000 to 299,000	4	0	Comparable population to San Bernardino
300,000 to 399,000	2	2	Anaheim and Santa Ana mayors have same voting rights as a Council member; Riverside and Bakersfield mayors do not
150,000 to 199,000	9	0	Mayor has same voting rights as a Council member
TOTAL	15	2	

Source: Charter Committee Chair Analysis; Charters of comparable cities

Alternatives and Implications

The two primary options are to retain the current mayoral voting limitations or to expand these privileges to match the legislative powers of the Common Council. Tables 2 and 3 summarize the opportunities and challenges associated with each of these alternatives.

Table 2. *Alternative A: No Change*

Opportunities	Challenges and Considerations
Maintains current practice, may be easier for the voters to accept	Inconsistent with the practices of comparable cities, as well as other council-manager forms of government
Does not require a change in the number of wards	Not recommended by the National Civic League Model Charter
	Limits the ability of the Mayor to represent the people in matters of policy and legislation, even though directly elected. These matters include adoption of ordinances and resolutions, adoption of the annual budget, approval of fees and taxes, etc.
	Results in the role of Mayor being largely ceremonial, particularly if other existing powers (appointments) change as a result of adopting the council-manager form of government

Table 3. *Alternative B: Expand Mayoral Voting Authority to Match City Council*

Opportunities	Challenges and Considerations
Is consistent with practices of comparable cities as well as other council-manager forms of government	May require a change in the number of wards to an even number (6 or 8) to avoid legislative ties
Gives the Mayor equal authority as Council members to represent the people in all matters of legislation and policy-making. Citizens expect the Mayor to represent their interests.	Reducing the number of wards may be perceived as reducing the people's representation. Increasing the number of wards results in a larger legislative body, which may increase costs and is inconsistent with the size of most councils in council-manager cities.
Recommended by the National Civic League Model Charter	Could expand Mayor voting powers and clarify that 5 votes are required for passage, as an alternative to changing the number of wards.
Providing broader voting rights may make it more acceptable to reassign other Mayoral powers to the Council as a whole, city manager or other appointed officials	May warrant a review of Mayoral veto powers (veto powers may not be as necessary if the Mayor has an equal vote).
Improves accountability by ensuring Mayor is able to participate in legislative and policy-making decisions	

Additional Information that Could Be Helpful

- Perspective of Mayor and individual Common Council members on this issue
- Historic data on the number of times a Mayoral vote to break a tie has been needed or when a resolution or ordinance was vetoed by the Mayor
- Financial implications of increasing or decreasing the number of wards and associated elected officials

