



CHIEF ADMINISTRATIVE OFFICE

DATE: October 27, 2021

TO: Dr. Cynthia Newbille, President, City Council
Councilwoman Kristen Larson, Chair, Government Operations Committee

FROM: J.E. Lincoln Saunders, Chief Administrative Officer *JELS*

CC: Honorable Members of City Council
Council Chief of Staff

RE: Government Operations Committee Meeting: Charter Changes Update

This memo is to inform Members of City Council of two Administration proposed Charter Changes that will be put forth at the Government Operations Committee Meeting on October 27, 2021.

Requested change to current section § 4.17. City attorney

The Administration would like to propose three options for this change:

Option A

1. Amend Charter to provide that the Mayor appoints the City Attorney, who will remain the City's chief legal adviser as currently constituted. Example of potential changes to current section 4.17 (which may need to be moved to Chapter 5 in this scenario):

- The city attorney shall be the chief legal advisor of the council, the mayor, the chief administrative officer and all departments, boards, commissions and agencies of the city in all matters affecting the interests of the city. ~~The city attorney shall perform particular duties and functions as assigned by the council.~~ The city attorney shall be appointed by the mayor~~council~~, shall serve at his~~its~~ pleasure, and shall devote full time and attention to the representation of the city and the protection of its legal interests. The city attorney shall have the power to appoint and remove assistants or any other employees as shall be authorized by the mayor~~council~~ and to authorize any assistant or special counsel to perform any of the duties imposed upon him/her in this charter or under general law. The city attorney may represent personally or through one of his assistants any number of city officials, departments, commissions, boards, or agencies that are parties to the same transaction or that are parties in the same civil or administrative proceeding and may represent multiple interests within the same department, commission, board, or agency. In matters where the city attorney determines that he is unable to render legal services to the mayor, chief administrative officer, or city departments or agencies under the supervision of the chief administrative officer due to a conflict of interests, the mayor, after receiving notice of such conflict, may employ special counsel to render such legal services as may be necessary for such matter.



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2. Further amend Charter to provide that:

- The city council may employ one city council attorney, which city council attorney (1) may serve in an advisory capacity to the city council, and perform such duties, including drafting of ordinances, legal research, legal advice to individual city council members relating to city council matters and providing independent advisory opinions, as requested by the city council; and (2) shall be subject to termination only by vote of the city council. Said city council attorney shall not file suit, bring, or defend any action in court on behalf of the city council, the mayor, the several departments, officers and boards of the city government except with written authorization of the city attorney. No action or opinion of said city council attorney shall be construed to be the official legal position of the city, and such official legal position and actions shall be solely within the scope of the powers and duties of the city attorney.

Option B*

1. Amend Charter to provide that notwithstanding the provisions of section 4.17 (i.e., that the Council appoints the City Attorney, who is the city's chief legal adviser):

- The mayor may appoint a separate attorney to serve as general counsel to the Mayor, to provide legal counsel and advise the Mayor, the Chief Administrative Officer, and the administrative departments of the city, and to represent the mayor in matters where the city attorney determines that he is unable to render legal services to the mayor, the chief administrative officer, or the administrative departments of the city due to a conflict of interest.

2. Further amend Charter to provide that:

- Council shall not adopt any law, policy, or rule of procedure, or take any other action, that hinders or delays the mayor's ability to introduce ordinances pursuant to charter section 4.10.

Option C

1. Amend Charter to provide that notwithstanding the provisions of section 4.17 (i.e., that the Council appoints the City Attorney, who is the city's chief legal adviser):

- The mayor may employ one attorney to the mayor. Said attorney to the mayor may serve in an advisory capacity to the mayor, the chief administrative officer, and the administrative departments of the city, and perform such duties, including drafting of ordinances, conducting legal research, rendering legal advice to the mayor relating to administrative matters and providing independent advisory opinions, as requested by the mayor. Said mayor attorney shall not file suit, bring, or defend any action in court on behalf of the



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City Council, the mayor, the several departments, officers and boards of the city government except with written authorization of the city attorney. No action or

opinion of said mayor council attorney shall be construed to be the official legal position of the city, and such official legal position and actions shall be solely within the scope of the powers and duties of the city attorney. Notwithstanding the foregoing, council shall not adopt any law, policy, or rule of procedure, or take any other action, that hinders or delays the mayor's ability to introduce ordinances pursuant to charter section 4.10; provided, that either the city attorney or the attorney to the mayor has approved the ordinance as to form and legality.

Requested change to current section § 6.16. Amendments after adoption.

The Administration would like to suggest the following limits and guidance for Intrafund

- Intrafund transfer threshold is set at \$250,000 for any one transfer between two General Fund Departments
- Intrafund transfers must be approved by the CAO, DCAOs of the Departments, and each Department's Directors (i.e., both the giving department and the receiving department)
- By the 5th of each month, the Director of Budget and Strategic Planning will provide a written report to the Council Chief of Staff.
- The report will provide the specifics of each and every transfer made during the previous month, including, but not limited to:
 - Names of both the providing Department and the receiving Department
 - The exact amount transferred and the accounting strings of the accounts involved
 - The reason for the transfer and the impacts of the transfers for both the providing and the receiving Departments

The Administration looks forward to the opportunity to discuss the aforementioned proposed changes at today's Government Operations Committee meeting.

