

City of San José

Impartial Analysis

MEASURE U

2018 Charter Amendments - A ballot measure proposal to amend Section 407 of Article IV, Section 1001.1 of Article X, and Section 1603 of Article XVI of the San José City Charter relating to Mayor and City Councilmember salaries and aligning the Charter with State law regarding competing measures in Municipal Elections.

FILED

AUG 21 2018

REGISTRAR OF VOTERS
COUNTY OF SANTA CLARA

By RL Deputy

CITY ATTORNEY IMPARTIAL ANALYSIS OF MEASURE U

Measure U, which was placed on the ballot by the City Council, would amend the San José City Charter to change the way City Council salaries are set and allow the City Council to submit any ordinance that competes with a citizen initiative at the same election.

Salary Setting

Every two years, the Salary Setting Commission recommends to the City Council what the City Council's salaries should be. The recommended salary for all Councilmembers must be the same except the Mayor's may be higher. The City Council may, by ordinance, adopt the Commission's recommendations or a lesser amount but cannot increase the Commission's recommendations. The City Council may also vote to reduce their salaries at any time.

Measure U would amend the City Charter to authorize the Commission to set the base salaries for the City Council instead of recommending salaries. Measure U would still require that the base salary for all Councilmembers be the same with a higher salary permitted for the Mayor. The City Council would also continue to be able to reduce their salaries at any time.

The first salary setting process would occur between March 1 and April 30, 2019, and every five years thereafter. Before setting the salaries, the Commission would need to conduct at least one public hearing and submit its determination and reasons for the base salaries to the City Manager by May 1. Once set, the Mayor and Councilmember salaries would be effective July 1. If the Commission does not set the base salary when required, then there would be no change to the base salary or adjustment for inflation in that year.

In the intervening 5-year period, beginning July 1, 2020, City Council salaries would increase annually by a percentage equal to the increase from the prior year's annual average of the Consumer Price Index for the San Francisco Area. No increase may exceed 5% per year.

Competing Ordinances

California law allows a city council to submit any ordinance to the voters, including one that competes with a citizen initiative. However, the City Charter currently prevents the City Council from placing such a competing ordinance on the ballot.

Measure U would amend the City Charter to allow the City Council to place one or more ordinances on the ballot to compete with a citizen initiative if it is submitted by a two-thirds vote of the City Council. If all pass, the ordinance receiving the most "yes" votes controls.

In addition, before submitting any competing ordinance, the City Council must refer the citizen initiative for a report on: its accuracy; economic impact on the public, as well as

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proponents and major donors if known; and whether it would create a benefit or entitlement that would be difficult to reverse.

The report must be prepared independently from the City, which may be a consultant retained by the City. It may not include arguments for or against the initiative, rationales for an alternative ordinance, or judgments from the findings. Finally, the City Council must accept the report by majority vote.

A "Yes" vote would amend the City Charter to implement the changes described above.

A "No" vote would not make these changes.



RICHARD DOYLE, CITY ATTORNEY
CITY OF SAN JOSE

The above statement is an impartial analysis of Measure U. If you would like to read the full text of the measure, see <http://www.sanjoseca.gov/index.aspx?nid=5694> or call 408-535-1260 and a copy will be sent at no cost to you.

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