

**PROPOSED MODIFICATIONS TO SECTIONS
2.01, 2.02, 5.01, AND 5.02 OF THE
ALBANY CITY CHARTER MEASURE Y**

<p>Y MEASURE Y: Do you approve the modifications of Sections 2.01, 2.02, 5.01, and 5.02, and 5.03 of the City Charter, as is fully set forth in the voter pamphlet, to provide for the electors of the City to directly elect the mayor beginning at the general election in 2012 and to provide for term limits for the mayoral position?</p>	YES
	NO

**CITY ATTORNEY IMPARTIAL ANALYSIS OF
MEASURE Y
DIRECTLY ELECTED MAYOR**

Measure Y proposes to amend the City Charter by providing for a directly elected mayor to serve a four year term effective November 2012.

A “Yes” vote approves the proposed Charter amendments as set forth in the voter pamphlet to directly elect a mayor for a four year term, subject to a two term maximum, beginning at the November 2012 election.

A “No” vote disapproves the proposed Charter amendments and maintains the present system in which a majority of the Council appoints the mayor from among currently serving council members.

Background

The proposal for a directly elected mayor was brought forward by Mayor Lieber. The City Council referred the proposal to the Charter Review Committee. That committee voted against the language of this measure. Council subsequently voted 3-2 to place this proposal on the ballot.

The City Charter currently provides for a five member council elected at large by the voters. Every two years, following the general election, the Charter requires the Council to reorganize by appointing a mayor and vice mayor from among its members. The Charter does not prohibit successive appointments. The Charter provides that council members serve four year terms, and that after serving two consecutive terms (eight years) a council member must wait 2 years before running again for office.

Proposed Modifications

Measure Y proposes the following Charter amendments: Section 2.01 (LEGISLATIVE DEPARTMENT) provides for a directly elected mayor and four council members, rather than the current five member council. The council would continue to appoint the vice mayor.

Current Section 2.02 (LIMITATION ON TERMS) requires council members who have served two four year terms to wait two years before running again for council. The office of mayor would be subject to a separate two term limitation requirement, after which time he or she would be required to wait two years before running for election for either mayor or council member. The amendment would allow a two term council member to seek the office of mayor without the required two year waiting

period, thereby permitting a total of four consecutive terms (16 years).

Changes to Section 5.01 (ELECTIONS) require a mayoral candidate to receive 50% plus 1 of the votes cast. If a candidate fails to receive that number, in accordance with a council adopted ordinance, the amendment authorizes a runoff election which could be by mail ballot, special election, or instant runoff system. Section 5.02 authorizes the City Clerk to call a special election if the mayor’s office becomes vacant during the term. Section 5.03 provides that if the proposed measure is approved by the voters, the changeover to a directly elected mayor would be effective and operative for the November, 2012 election. The proposed amendments do not change the powers or duties of the mayor as set forth in the Charter.

Financial Impact

If approved by the voters, additional financial impacts may involve costs relating to a special election, if required, or possible costs incurred in implementing an instant runoff system.

s/Robert Zweben

Albany City Attorney