

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY MAYOR LEE AND COUNCIL PRESIDENT JENKINS

RESOLUTION SUBMITTING TO THE VOTERS AT THE NOVEMBER 3, 2026 GENERAL MUNICIPAL ELECTION A MEASURE THAT WOULD AMEND THE OAKLAND CITY CHARTER TO, AMONG OTHER THINGS:

- (1) MAKE THE MAYOR THE CITY'S CHIEF EXECUTIVE OFFICER RESPONSIBLE FOR MANAGING CITY AFFAIRS;**
- (2) EMPOWER THE COUNCIL TO CONFIRM THE APPOINTMENTS OF THE DIRECTORS OF FINANCE, HUMAN RESOURCES, PUBLIC WORKS, AND TRANSPORTATION;**
- (3) EMPOWER THE COUNCIL TO CREATE AN INDEPENDENT BUDGET AND LEGISLATIVE ANALYST'S OFFICE TO PROVIDE THE COUNCIL FISCAL AND POLICY ANALYSIS THAT IS OBJECTIVE AND NONPARTISAN;**
- (4) AFFIRM COUNCILMEMBERS' RIGHT TO REQUEST INFORMATION AND RELAY CONSTITUENT CONCERNS, AND CITY OFFICIALS' DUTY TO RESPOND PROMPTLY;**
- (5) EMPOWER THE COUNCIL TO HOLD LEGISLATIVE HEARINGS AND ISSUE SUBPOENAS;**
- (6) CREATE A MAYORAL VETO WITH A LINE-ITEM BUDGET VETO AND A COUNCIL POWER TO OVERRIDE ANY VETO;**
- (7) REQUIRE COUNCILMEMBERS TO WORK FULL TIME AND NOT ENGAGE IN OUTSIDE EMPLOYMENT;**
- (8) EMPOWER THE PUBLIC ETHICS COMMISSION TO ALIGN THE MAYOR'S AND COUNCILMEMBERS' SALARIES WITH THOSE OF COMPARABLE FULL-TIME PUBLIC OFFICIALS; AND**
- (9) REQUIRE THE PUBLICATION OF ORDINANCES WITHIN FIFTEEN DAYS OF PASSAGE;**

AND DIRECTING THE CITY CLERK TO TAKE ALL ACTIONS NECESSARY UNDER LAW TO SUBMIT THIS MEASURE TO THE VOTERS AT THE ELECTION; AND MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, Oakland residents rely on a city government that works clearly, effectively, and accountably for them; and

WHEREAS, the Mayor's Charter Reform Working Group, co-chaired by the Oakland League of Women Voters and the San Francisco Bay Area Planning and Urban Research Association (SPUR), completed a public process that included more than 60 interviews, 14 community sessions across the City, and participation from more than 750 residents, and issued recommendations after careful study of Oakland's governance challenges and comparison to other jurisdictions; and

WHEREAS, the Working Group concluded that Oakland's current Charter creates confusion about roles and responsibilities, weakens accountability, and makes it harder for residents to know who is responsible for service delivery, budgeting, and oversight; and

WHEREAS, the Working Group recommended a coherent strong-mayor / strong-council framework in which the Mayor serves as chief executive with authority over city operations and veto power over legislation and budget decisions, while the City Council remains the legislative branch with strengthened oversight authority and independent analytical capacity; and

WHEREAS, Oakland residents rely on accessible, neighborhood-based assistance in navigating City services, and their elected Councilmembers serve as essential points of contact for reporting concerns, seeking help with service requests, and advocating for timely responses from City departments; and

WHEREAS, City Councilmembers, as district level and citywide representatives, are uniquely positioned to identify service issues affecting communities, elevate resident concerns, and facilitate communication between the public and the administrative service of the City; and

WHEREAS, the current language of Section 218, adopted decades ago in a different era of municipal governance, is framed primarily as a limitation on communication and does not reflect modern expectations for transparency, responsiveness, or collaborative service delivery; and

WHEREAS, good governance and accountability in Oakland simultaneously requires; 1) a clear separation between Council's legislative oversight and the Mayor's executive administration and 2) well defined channels for communication, inquiry to ensure that both branches effectively support their constituents; and

WHEREAS, clarifying the Council's authority to request information, inquire into the status of service requests, and communicate directly with the Mayor, City Administrator, and City officials will strengthen Oaklanders' ability to receive timely help and accurate information; and

WHEREAS, clarifying the affirmative obligations on the Mayor, City Administrator, and other City officials to provide timely responses, reasonable access to information, and designated points of contact will improve service coordination, reduce delays, and promote transparency in government operations; and

WHEREAS, the proposed amendment preserves critical safeguards that prohibit Councilmembers from directing, supervising, coercing, or attempting to influence City staff in personnel matters, operational decisions, procurement, or any other administrative actions - thus maintaining the integrity of the executive function, while affirmatively protecting Councilmembers' ability to request information, follow service requests, and obtain timely responses; and

WHEREAS, the Charter Reform Working Group recognizes that Council service is full-time in practice and should be expressly declared full-time in the Charter, with a prohibition on outside employment to preserve independence, avoid conflicts of interest, and ensure that Councilmembers are able to devote sufficient time to legislative, budgetary, and constituent work; and

WHEREAS, establishing Council service as explicitly full-time is also an equity imperative: when the role is functionally full-time but not clearly defined or compensated as such, it can exclude individuals who cannot afford to subsidize public service with outside income or personal wealth - disproportionately impacting working-class residents and communities of color and limiting who is able to serve; and

WHEREAS, Oakland's current Charter establishes different compensation frameworks for elected officials, with the Mayor, City Attorney, and City Auditor receiving periodic, data-driven salary reviews based on comparisons to peer jurisdictions, while City Council salaries are limited to cost-of-living adjustments without a mechanism for comprehensive recalibration; and

WHEREAS, this fragmented approach creates inconsistency in how the City defines, evaluates, and supports the roles of its elected officials, and does not reflect best practices in comparable cities with full-time legislative bodies; and

WHEREAS, the Mayor's Charter Reform Working Group recommends unifying the compensation framework for all elected officials - including the Mayor, City Council, City Attorney, and City Auditor - under a consistent, objective, and data-driven process that incorporates regular review and benchmarking against comparable jurisdictions; and recommends aligning salary-setting provisions for Councilmembers with those applicable to all City of Oakland elected officials, including the Mayor, City Attorney, and City Auditor; and

WHEREAS, establishing a unified compensation structure is intended to professionalize the role of City Councilmembers, ensure alignment with the scope and responsibilities of full-time public service, and promote transparency and consistency across elected offices; and

WHEREAS, this reform is not intended to automatically increase salaries, but rather to create a fair, transparent, and standardized process for setting compensation that reflects the responsibilities of each office and supports effective governance; and

WHEREAS, a budget line-item veto and general veto, subject to Council override by supermajority, will provide a precise and accountable mechanism for addressing specific fiscal and operational concerns without forcing all-or-nothing confrontation over the entire budget; and

WHEREAS, the City Council further finds that a permanent, independent Budget and Legislative Analyst office will strengthen Council oversight, improve budget scrutiny, support

policy analysis, and provide the data necessary to evaluate the implementation of City programs and policies; and

WHEREAS, the City Council desires to strengthen its own ability to provide oversight of the Mayor and the administration, to assess the implementation of City programs and policies, and to serve constituents more effectively; and

WHEREAS, the balanced approach embodied in these reforms will modernize the Charter, increase accountability, and help ensure that Oakland residents receive responsive and equitable service from their local government; now, therefore, be it

RESOLVED: That the City Council hereby submits to the voters at the November 3, 2026 General Municipal Election a measure to amend the Oakland City Charter that shall read as set forth in Attachment 1 (the “Measure”), attached hereto; and be it

FURTHER RESOLVED: That each ballot used at said election shall have printed therein, in addition to any other matter required by law the following:

**PROPOSED CHARTER AMENDMENT
MEASURE ____**

<p>Measure _____. Shall the measure to amend Oakland’s City Charter to, among other things, (1) make the Mayor the City’s chief executive with a legislative veto, (2) empower the Council to override vetoes, confirm appointments of certain directors, and appoint an Independent Budget and Legislative Analyst, (3) affirm Councilmembers’ right to acquire information from other City officials, (4) require Councilmembers to work full-time, and (5) empower the Public Ethics Commission to set salaries for all City elected officials using similar formulas , be adopted?</p> <p>[FINAL BALLOT QUESTION SUBJECT TO CITY ATTORNEY APPROVAL]</p>	Yes	
	No	

; and be it

FURTHER RESOLVED: That the City Council hereby authorizes and directs the Clerk of the City of Oakland (“City Clerk”), at least 88 days prior to the November 3, 2026 general municipal election, to file certified copies of this resolution with the Alameda County Board of Supervisors and the Registrar of Voters; and be it

FURTHER RESOLVED: That the City Council does hereby request that the Board of Supervisors of Alameda County include on the ballots and sample ballots the language to be voted

on by the voters of the City of Oakland, and to print the full text of the Measure in the sample ballot pamphlet prepared for voters in connection with the election; and be it

FURTHER RESOLVED: That the City Attorney, in accord with the City Attorney’s powers and duties is hereby authorized to insert the final ballot question into this Resolution after adoption by the Council so that the ballot question constitutes a true and impartial synopsis of the final proposed Measure; and to make any changes to the text of the Measure to conform to law or requirements of the County Registrar; and be it

FURTHER RESOLVED: That in accordance with the Elections Code and Chapter 3.08 of the Oakland Municipal Code, the City Clerk shall fix and determine a date for submission of arguments for or against said proposed Charter amendment, and said date shall be posted by Office of the City Clerk; and be it

FURTHER RESOLVED: That in accordance with the Elections Code and Chapter 3.08 of the Oakland Municipal Code, the City Clerk shall provide for notice, publication and printing of notices as to said proposed Charter amendment in the manner provided for by law; and be it

FURTHER RESOLVED: That the City Clerk and City Administrator hereby are authorized and directed to take any and all actions necessary under law to prepare for and conduct the 2026 General Municipal Election and appropriate all monies necessary for the City Administrator and City Clerk to prepare for and conduct the November 3, 2026 General Municipal Election, consistent with law; and be it

FURTHER RESOLVED: That in accordance with the California Environmental Quality Act (“CEQA”), CEQA Guidelines section 15378(b)(4), adoption of this Resolution to place a charter amendment on the ballot for voter approval is not a project subject to the requirements of CEQA; and in addition, this Resolution is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), since there is no possibility that the activity authorized herein may have a significant effect on the environment that has not already been studied.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
Acting City Clerk and Clerk of the
Council of the City of Oakland,
California

ATTACHMENT 1

The people of the City of Oakland do ordain as follows:

Section 1. Amendments to the Oakland City Charter.

The Charter of the City of Oakland is hereby amended to add, delete, or modify sections as set forth below (section numbers and titles are indicated in capitalized **bold type**; additions are indicated by underscoring, deletions are indicated by ~~strike-through type~~; portions of the provisions not cited or not shown in underscoring or strike-through type are not changed).

ARTICLE I POWERS AND FORM OF GOVERNMENT

Section 107. Form of Government. The government provided by this Charter shall be known as the Mayor-Council form of government.

Section 108. Continuity Immediately After Adoption of 2026 Amendments.
Amendments to this Charter adopted at the November 2026 election provide for certain executive authorities, powers, and responsibilities previously conferred upon the City Administrator to be transferred to and assumed by the Mayor. Immediately after such amendments become operative, all directors or heads of departments and all employees previously under the City Administrator's jurisdiction shall remain under the City Administrator's jurisdiction unless and until their reporting structures are changed by the Mayor or City Administrator in accordance with this Charter and in accordance with applicable law. All general rules and regulations previously adopted by the City Administrator to govern the general conduct of the administrative departments previously under the City Administrator's jurisdiction shall remain in effect unless and until replaced, repealed or amended by the Mayor or City Administrator in accordance with this Charter and in accordance with applicable law.

ARTICLE II THE COUNCIL

Section 200. Composition of the Council. The Council shall consist of eight Councilmembers, nominated and elected as hereinafter provided. ~~The Mayor shall not be a member of the Council, but shall have a vote on the Council if the Councilmembers are evenly divided in accordance with Section 305.~~ The Council shall elect a President of the Council from among its members for a term of two years. The President of the Council shall serve as the presiding officer of the City Council and shall perform duties authorized by the Council's Rules of Procedure, which shall be passed by resolution in accordance with Charter section 210.

Section 201. Qualifications. No person shall be eligible for or continue to hold the office of Councilmember, either by election or appointment, unless they are a citizen of the United States, a qualified elector, a resident for at least thirty days of the City or of a territory lawfully annexed or consolidated, and a resident of the district from which they may be a candidate for at least thirty days immediately next preceding their nomination or appointment.

Section 202. Council Salaries. ~~Consistent with salary setting for other elected officials and in recognition that councilmembers shall devote their full time to the duties of their office, the salary of Councilmembers shall be set every two (2) years, beginning in 2027, by the Public Ethics Commission to provide for competitive compensation and equitable alignment, taking into account the top of the range for the highest paid professional employee in the Office of the City Council and salaries for City department heads, and shall be comparable to the salaries of full-time city councilmembers and full-time county supervisors in comparable California cities and counties selected by the Commission. The salary of Councilmembers may not be reduced, except as a part of a general reduction of salaries for all officers and employees in the same amount or proportion. The Public Ethics Commission shall bi-annually adjust the salary for the office of Councilmember by the increase in the consumer price index over the preceding two years, up to a total of five percent. If the increase in the consumer price index over the preceding two years exceeds five percent, the Commission shall have the discretion~~

Section 204. Term of Office, Term Limits, Full-Time Service, Council.

- (a) Term of Office. The Councilmembers shall be elected to a term of four years beginning at 11:00 a.m. on the Monday following January 2 following their election. In 2018 Municipal Elections were held to select City officers for four-year terms for the following offices: Councilmember, District #2; Councilmember, District #4, and, Councilmember, District #6. In 2020 Municipal Elections were held to select City Councilmembers for four-year terms for the following offices: Councilmember, District #1; Councilmember, District #3;

Councilmember, District #5; Councilmember, District #7; and Councilmember At-Large.

- (b) Term Limits. No person shall be elected to the office of Councilmember, whether district or at-large, or any combination thereof, for more than three consecutive terms; except that a person may serve up to three consecutive terms as a district Councilmember immediately followed by up to three consecutive terms as Councilmember at-large. For purposes of determining term limits, a Councilmember who fills a partial term of more than two years shall be deemed to have filled the entire term. Terms for the office of Councilmember that commenced prior to January 2023 shall not be considered in calculating limits on consecutive terms for Councilmembers.
- (c) Councilmembers shall devote their full time to the duties of their office and not engage in any outside employment, trade, business or profession which interferes or conflicts with those duties. Councilmembers shall not be eligible during the term for which they were appointed or elected to hold any other office or employment with the City, except as a member of a board of a joint powers authority or other board or commission of which they are constituted such a member by general law or by this Charter. Councilmembers shall not receive any compensation, including honoraria, for their services other than that provided in this Charter, except that which may be provided for their serving on governmental entities where payment is authorized for other governmental officers or employees serving in that capacity. However, nothing shall prevent Councilmembers from the receipt of income earned from business(s) or investment(s) in which they are not actively engaged and which are not in conflict with the performance of their duties and responsibilities.

Section 205. Vacancy, Filling of. All vacancies occurring in the office of Councilmember shall be filled by special election within 120 days of a vacancy. An extension of up to 90 days may be allowed only for the express purpose of consolidating the special election with the next Municipal Election or Statewide Election. Special elections for the office of Councilmember shall be conducted using the same ranked choice voting procedures used to elect Councilmembers in General Municipal Elections. Whenever the period of vacancy in a Councilmember's term of office equals or exceeds 100 days the vacancy may be temporarily filled by appointment through the majority vote of the remaining Councilmembers, provided the appointee may not simultaneously fill the vacancy and run as a candidate for that office and provided the appointment does not exceed 180 days or go beyond the date the new incumbent is sworn in, whichever is shortest. Alternative legal voting procedures shall be used to the greatest extent feasible to increase voter participation in special elections including, but not limited to, mail ballot voting, secure, electronic voting and extended voting period.

Notwithstanding any other provision of this section 205 or this Charter, an election shall not be required to fill a vacancy in the office of Councilmember that occurs when the Council President fills a mayoral vacancy pursuant to Sections 303 and 304 of this Charter, and the Council President shall be entitled to return to their seat when the

mayoral vacancy is filled, provided that, during the Council President's service as Mayor, the City Council may, by resolution, appoint a person to serve as Councilmember for the Council President's district. The appointee shall meet the qualifications for office of Councilmember set forth in Section 201 of this Charter. The appointee shall hold office only until the Council President returns to their seat or when the term ends, whichever is sooner.

Section 207. Powers of the Council.

- (a) The Council shall be the governing body of the City. It shall exercise the corporate powers of the City and, subject to the expressed limitations of this Charter, it shall be vested with all powers of legislation in municipal affairs adequate to provide a complete system of local government consistent with the Constitution of the State of California. It shall have no administrative powers. The Council shall fix the compensation of all City employees, officers and officials except as otherwise provided by this Charter.
- (b) The Council shall, in all matters relevant to the Council's powers, have the authority to conduct legislative hearings, to issue subpoenas to compel the production of books, papers and documents, and to take testimony on any matter pending before it. The City Clerk shall issue subpoenas in the name of the Council, attested with the corporate seal, requiring the attendance and testimony of the witness or production of documents at a specified time and place before the Council. If any person subpoenaed fails or refuses to appear or to produce required documents or to testify, no less than five members of the Council may find them in contempt, and shall have power to take the proceedings in that behalf provided by the general law of the State. Nothing in this section shall require Council to provide for examination of witnesses under oath in any particular proceeding.

Section 208. Meetings of the Council. At 11:00 a.m. on the first Monday following January 2 following each General Municipal Election, the Council shall meet at the established Council meeting place, at which time and place the newly elected members of the Council shall assume the duties of their office; and at such meeting, ~~and at its first meeting in January of each odd-numbered year,~~ the Council shall, by resolution, elect a Council President from among its members to serve for a two-year term. The Council also shall elect, by resolution, a President Pro Tempore of the Council from among its members to serve a one or two-year term. Thereafter, the Council shall meet regularly at the time and place fixed by resolution. Special meetings may be held at the regular place of meeting and shall be called, and notice thereof given, by the City Clerk upon the written request of the Mayor, the City Administrator or three members of the Council and such notice shall state the special subject to be considered at the special meeting; and no other subject shall be there considered. Regular or special meetings may be held at places other than the regular meeting place only in an emergency in which the regular meeting place is untenable, or for some purpose of public convenience, upon the posting of a

public notice at the regular meeting place that the Council is meeting elsewhere to be designated on the notice.

Section 210 (1). Council Action. The Council shall provide by resolution for the order of business and the rules of procedure for the conduct of Council meetings. The Council shall act by ordinance or resolution or motion. The "ayes" and "noes" shall be taken on the passage of all ordinances and resolutions and entered upon the journal of the Council's proceedings. Each proposed ordinance or resolution shall be introduced in written or printed form. The affirmative vote of five members of the Council shall be required to adopt any ordinance or resolution, except as otherwise provided by this Charter or by general law.

Section 210 (2) ; Approval or Veto of Council Actions by Mayor.

- (a) The Mayor shall have veto power over all resolutions and ordinances passed by Council, including resolutions or ordinances to establish the official position of the City with respect to legislation proposed to or pending before the state or federal government, except that the Mayor's veto power shall not extend to the following:
 - (1) Matters that are exclusively within the purview of Council, such as selection of the Independent Budget and Legislative Analyst, confirmation of certain department heads pursuant to Charter section 600, the selection of a Council President or President Pro Tempore, or the establishment of the Council's rules of procedure or other rules or policies of governance exclusive to the Council and not affecting the administrative service of the City under the control of the Mayor or City Administrator.
 - (2) Matters where the Council has acted as a quasi-judicial body and was required by law to consider evidence at a hearing implicating individual due process rights.
 - (3) Matters where the Council has a ministerial duty or obligation to perform in a prescribed manner in obedience to a legal mandate.
 - (3) Emergency Ordinances adopted in accordance with Charter section 213.
 - (4) The adoption of the City's annual budget, which instead shall be subject to veto in accordance with Charter section 801.
 - (5) The levy of property tax in accordance with Charter section 802.
- (b) Matters that are not subject to the Mayor's veto power shall be clearly indicated as such on the Council's agenda and within the body of the resolution or ordinance, and shall be signed as to form and legality by the City Attorney.
- (c) The following shall apply to each resolution and ordinance that has been adopted by the Council and is subject to the Mayor's veto:

- (1) Each such resolution or ordinance shall, within forty-eight hours of the Mayor's request, be transmitted to the Mayor by the City Clerk with appropriate notations of the action taken by the Council.
- (2) The Mayor shall act upon each resolution or ordinance within seven days of the Council's adoption.
- (3) The Mayor shall either approve the resolution or ordinance by signing and returning it to the City Clerk within the seven-day period, or shall veto any resolution or ordinance and return it to the City Clerk with their written objections within the seven-day period.
- (4) Failure to return the resolution or ordinance within the seven-day period shall constitute approval and shall be noted by the City Clerk on the official copy, and such resolution or ordinance shall take effect without the Mayor's signed approval.

Section 210 (3); Council Override of Veto. Subject to any applicable noticing requirements, the City Clerk shall schedule any resolution or ordinance vetoed by the Mayor, with the objections of the Mayor, to the first Council meeting after the Clerk has received the Mayor's objections. The Council shall reconsider the resolution or ordinance. If at least six members of the Council vote in favor of passage after reconsideration, the resolution or ordinance shall become effective notwithstanding the Mayor's veto, except that if this Charter or other superseding law requires a vote threshold of higher than six votes in order to pass the resolution or ordinance, such higher vote threshold shall be required to override the Mayor's veto. If a vetoed resolution or ordinance is reconsidered but receives insufficient votes to override the Mayor's veto, or is not voted on within thirty calendar days of such veto, the resolution or ordinance shall be immediately deemed disapproved and have no legal effect.

Section 214. Publication. ~~Before~~ Within fifteen days after final adoption passage of an ordinance, its title, a digest thereof, ~~a notice showing the vote on its introduction and the date, time, and place of hearing on its final adoption,~~ and notice that three full copies thereof are available for use and examination by the public in the Office of the City Clerk, shall be published once in the official newspaper of the City or publicized by some other method authorized by ordinance. ~~at least three days before said hearing date. Notice of the adoption of an emergency ordinance, the vote thereon, its title, and a digest thereof shall be similarly published once within three days after its adoption.~~ The notices and digests shall be prepared by the City Attorney.

Section 216. Effective Date of Resolutions and Ordinances.

- (a) In the case of a resolution or ordinance for which the Mayor has veto power:
 - (1) The date of approval by the Mayor pursuant to Charter section 210 or 801 shall be deemed the date of its final passage.

- (2) If the time for approval or veto by the Mayor has expired and no action has been taken by the Mayor, the date of expiration of that time shall be deemed the date of its final passage.
- (3) If a resolution or ordinance is adopted by Council overriding the Mayor's veto, then the date of Council's override vote shall be deemed the date of final passage.
- (b) In the case of a resolution or ordinance for which the Mayor has no veto power, the date of adoption by the Council shall be deemed the date of its final passage.
- (c) Resolutions shall become effective immediately upon their final passage, unless otherwise stated therein.
- (d) All ordinances shall take effect upon the seventh day after final passage unless a later effective date is indicated therein or is otherwise required by law, except that the following ordinances shall take effect immediately upon final passage unless a later effective date is indicated therein:
 - (1) an ordinance levying a tax;
 - (2) an Emergency Ordinance adopted in accordance with Charter section 213; and
 - (3) an ordinance calling or relating to elections;

~~An ordinance receiving upon final adoption the affirmative vote of at least six members of the Council shall be effective immediately, unless a later date is specified therein. All other ordinances, unless a different date is required by this Charter, shall be effective upon the seventh day after final adoption; provided, that within three days after said date of final adoption, the Mayor may file in the Office of the City Clerk written notice to the Council that the Mayor has suspended the taking effect of the ordinance, stating in said notice the reason or reasons for the action, which notice the City Clerk shall forthwith deliver to the members of the Council. Such notification shall automatically cause the reconsideration of the ordinance by the Council at its regular meeting next following the sixth day after the aforesaid final adoption of the ordinance. If, upon reconsideration, the ordinance is approved by the affirmative vote of at least five members of the Council, it shall take effect immediately; and if not so approved, it shall be ineffective.~~

Section 218. ~~Non-Interference in Administrative Affairs.~~ Right of Inquiry and Access for Constituent Services.

~~Except for the purpose of inquiry, the Council and its members shall deal with the administrative service for which the City Administrator, Mayor and other appointed or elected officers are responsible, solely through the City Administrator, Mayor or such other officers. Neither the Council nor any Council member shall give orders to any subordinate of the City under the jurisdiction of the City Administrator or such other officers, either publicly or privately; nor shall they attempt to coerce or influence the City~~

~~Administrator or such other officers, in respect to any contract, purchase of any supplies or any other administrative action; nor in any manner direct or request the appointment of any person to or their removal from office by the City Administrator or any of the City Administrator's subordinates or such other officers, nor in any manner take part in the appointment or removal of officers or employees in the administrative service of the City. Violation of the provisions of this section by a member of the Council shall be a misdemeanor, conviction of which shall immediately forfeit the office of the convicted member.~~

- (a) Councilmembers and their designated staff may communicate directly to the Mayor, City Administrator, other appointed or elected officers, heads of departments, their designated Council liaisons, or City staff for the purpose of requesting information or data, reporting constituent complaints, submitting and following up on service requests, proposing ideas or projects or plans, and obtaining status updates related to City services.
- (b) The Mayor, City Administrator, other appointed or elected officers, heads of departments, and designated Council liaisons shall provide timely and reasonable responses to Council inquiries and constituent-service requests, and shall provide Councilmembers with information necessary to perform constituent-services functions, except where prohibited by law.
- (c) Councilmembers and their staff shall not **have the power to** direct, give orders to, or attempt to coerce any department head or any other subordinate of the City under the jurisdiction of the Mayor, City Administrator or other appointed or elected officers in respect to any administrative action.

ARTICLE III THE MAYOR

Section 300. The Mayor. The Mayor shall be nominated and elected from the City at large and shall receive an annual salary payable in equal monthly installments. Consistent with salary setting for other elected officials and in recognition that the Mayor shall devote their full time to the duties of their office, the salary of the Mayor shall be set every two (2) years, beginning in 2027, by the Public Ethics Commission to provide for competitive compensation and equitable alignment, taking into account the top of the range for the highest paid professional employee in the Office of the Mayor and salaries for City department heads, and shall be comparable to the salaries of full-time city managers and chief executive officers in comparable California cities and counties selected by the Commission. The salary of the Mayor may not be reduced, except as a part of a general reduction of salaries for all officers and employees in the same amount or proportion. , and without any additional compensation or fees provided for in Section

~~202 of this Charter. The salary shall be set by the Council, which shall be not less than 70% nor more than 90% of the average salaries of City Managers'/Chief Executive Officers of California cities within the three immediate higher and the three immediate lower cities in population to Oakland. The Mayor's salary shall be reviewed by the City Council in odd-numbered years and may be adjusted by the Council as provided for herein.~~

Section 302. Term of Office, the Mayor. The Mayor shall be elected to a term of four years beginning at 11:00 a.m. on the first Monday ~~of following~~ January 2 following the Mayor's election. The Mayor elected to Office to serve a term beginning in 1985 shall serve in Office until 11:00 a.m. on the Monday following January 1 in 1991. In 1990 municipal elections will be held to select City Officers for four year terms, including the Office of Mayor. No person shall be elected to the office of Mayor for more than two consecutive terms, and no person who has held the office of Mayor, or acted as Mayor, for more than two years of a term for which some other person was elected Mayor may be elected to more than one more consecutive term as Mayor.

Section 305. Functions, Powers and Duties. The Mayor shall be the chief ~~elective~~ executive officer of the City, responsible for providing leadership and taking issues to the people and marshalling public interest in and support for municipal activity. The Mayor shall have the following powers, duties, and responsibilities:

- (a) To exercise management authority over all departments, agencies and appointed offices of the City, except where the Charter provides otherwise, including appointing, assigning, reassigning, disciplining and removing all directors or heads of departments and all employees under the Mayor's jurisdiction. The Mayor may delegate to directors or other department heads responsible to the Mayor the authority to appoint, discipline and remove subordinate employees, subject to the provisions of Article IX of this Charter.
- (b) To cooperate with the Council and the Office of Independent Budget and Legislative Analyst, including but not limited to, supplying requested information concerning the budget process and fiscal condition of the City to the Council and the Office of Independent Budget and Legislative Analyst.
- (c) In person or by designee, to attend and be heard at all meetings of the Council, and its committees, unless excused, and to participate in discussions at such meetings.
- (d) To approve or veto actions passed by the Council in open session, pursuant to sections 210 and 801.
- (e) To prescribe such general rules and regulations as the Mayor may deem necessary or expedient to the general conduct of the administrative departments under the Mayor's jurisdiction.
- ~~(a)(f)~~ To submit an annual budget to the Council which shall be prepared by the City Administrator under the direction of the Mayor ~~and Council~~. The Mayor shall, at the time of the

submission of the budget, submit a general statement of the conditions of the affairs of the City, the goals of the administration, and recommendations of such measures as ~~he~~ they may deem expedient and proper to accomplish such goals.

- ~~(b)(g)~~ To recommend ~~Recommend~~ to the Council such measures and legislation as the Mayor deems necessary and to make such other recommendations to the Council concerning the affairs of the City as the Mayor finds are in the best interest of the residents of the City.
- ~~(h)~~ To investigate affairs of the City under the Mayor's supervision, or any franchise or contract for the proper performance of any obligation running to the City within the Mayor's jurisdiction.
- ~~(i)~~ To prepare or cause to be prepared the plans, specifications, and contracts for work which the Council may order.
- ~~(j)~~ To supervise the purchasing of materials and supplies and to make recommendations to the Council in connection with the awarding of public contracts and to see that all City contracts under the Mayor's direction or that of the Council are faithfully performed.
- ~~(k)~~ To prepare and submit to the Council such reports as it may require.
- ~~(e)(l)~~ To encourage ~~Encourage~~ programs for the physical, economic, social and cultural development of the City.
- ~~(d)(m)~~ To actively ~~Actively~~ promote economic development to broaden and strengthen the commercial and employment base of the City.
- ~~(e)(n)~~ To appoint ~~Appoint~~ the City Administrator, subject to confirmation by the City Council, remove the City Administrator and give direction to the City Administrator. The Mayor shall advise the Council before removing the City Administrator.
- ~~(f)(o)~~ To serve ~~Serve~~ as ceremonial head of the City.
- ~~(g)(p)~~ To represent ~~Represent~~ the City in inter-governmental relations as directed by the Council and to negotiate contracts for joint governmental actions, subject to Council approval.
- ~~(h)(q)~~ To provide ~~Provide~~ community leadership.
- ~~(r)~~ To perform such other duties as may be prescribed by this Charter or by ordinance or resolution.
- ~~(i)~~ May cast a tie-breaking vote on any Ordinance, Resolution or Motion voted on by the Council, if the Council's vote is evenly divided. Solely for the purposes of determining whether the Mayor is eligible to cast a tie-breaking vote, abstentions and absences shall count as a "No" vote. A legally required recusal shall not count as a "No" vote.

The Mayor shall, at the first meeting of the City Council in October, appear before the Council to deliver a general address on the state of the City, and

recommend the adoption of such measures as ~~{the Mayor}~~ may deem expedient and proper. The Mayor and such staff as the Mayor may designate shall also conduct four (4) additional public meetings during the year to solicit and respond to comments, concerns, or questions from the public. These meetings shall be noticed to the public not less than two (2) weeks in advance, and shall be scheduled approximately three (3) months apart.

The Mayor shall devote their full time and attention to the duties of the Office of the Mayor and shall not engage in outside employment while in office. However, nothing shall prevent the Mayor from the receipt of income earned from business(s) or investment(s) in which the Mayor is not actively engaged and which are not in conflict with the performance of the Mayor's duties and responsibilities.

ARTICLE IV CITY OFFICERS

Section 401(3). Term of Office, the City Attorney. The City Attorney shall be elected to a term of four (4) years beginning at 11:00 a.m. on the first Monday following January ~~+2~~ following the City Attorney's election.

Section 403(4). Powers of the City Auditor. The City Auditor, notwithstanding any other provision of this Charter, shall have the power and it shall be the City Auditor's duty to audit the books, accounts, money and securities of all bureaus, departments, offices, agencies, including the Port Department, boards, commissions, and programs of the City, and such other matters as the Council may request; to report to the Council periodically the results of such audits and to advise and make recommendations to the Mayor or City Administrator. The City Auditor shall report to the Council instances of noncompliance with accepted accounting principles where recommendations for compliance have not been implemented by the City Administrator after reasonable time and opportunity. The City Auditor shall conduct audits in accordance with Government Auditing Standards as issued by the U.S. Comptroller General.

The City Auditor shall conduct surveys, reviews, performance audits and financial audits as the Auditor deems to be in the best public interest or as requested by the Council or Mayor. For these purposes the public interest shall include, but not be limited to:

- (1) Reviewing and appraising the soundness, adequacy and application of accounting, functional, and operating controls and reliability and timeliness of accounting and other data generated within the organization.
- (2) Evaluating the City's internal controls to ensure that the City's assets and resources are reasonably safeguarded from fraud, waste, and mismanagement.

- (3) Ascertaining compliance with Council's resolutions and policies and the Mayor's Administrative Instructions and Directives, as well as applicable State and Federal laws and regulations.
- (4) Providing assistance to City Departments to enhance the effectiveness, efficiency and economy of their operations.
- (5) Preparing an impartial financial analysis of all ballot measures, pursuant to the provisions of the Municipal Code.
- (6) Preparing impartial financial analyses of proposed major expenditures prior to the approval of such expenditures. These analyses will be for informational purposes only and will include, but not be limited to, proposals, contracts, ventures, programs and construction projects. The proposed major expenditures selected for these financial analyses will be based on requests from Mayor/Council and/or deemed to be prudently advisable in the objective and professional judgment of the City Auditor.
- (7) Responding to Council and Mayor requests for audits and reviews.
- (8) Submitting, at a public meeting of the full City Council, a semi-annual report to the Council and public on the extent of implementation of recommendations for corrective actions made in the City Auditor's reports.
- (9) Conducting periodic performance audits of each department as specified in the City budget in order to help improve government performance.
- (10) Reviewing City departments, offices, agencies, boards, commissions, and bureaus to analyze if they are managing, safeguarding and using public resources, including public funds, personnel, property, equipment and space, economically, efficiently, equitably, and effectively.
- (11) Analyzing City programs, activities, services, functions, or policies as to effectiveness and cost-effectiveness, including the identification of any causes of inefficiencies.
- (12) Reviewing and recommending to the Mayor or City Administrator management adjustments in operating and administrative procedures and practices, systems and accounting internal control systems and internal management controls.
- (13) Analyzing allegations of fraud, waste, abuse or illegal acts that require further investigation to substantiate.
- (14) Publishing an annual report summarizing recent audits and recommendations.

- (15) Responding to requests from the Mayor or City Administrator to provide recommendations on how to make City departments and services more effective and customer-service oriented.
- (16) Preparing an annual workplan including planned audits for the year. The City Auditor shall publish such workplan in August of each year.

The City Auditor shall have access to inspect all records, property, equipment, and facilities within the City's jurisdiction.

Effective July 2023, the budget for the Office of the City Auditor shall be sufficient to hire at least fourteen full-time equivalent ("FTE") employees of relevant classifications. The minimum staffing budget set-aside may be suspended, for a fiscal year or a two-year budget cycle, upon a finding in the budget resolution that the City is facing an extreme fiscal necessity, as defined by City Council resolution or ordinance.

Restrictions on Running for Public Office. Filing for an elective office over which the City Auditor has audit jurisdiction will be the same as resignation, effective on the date of filing.

Endorsements, Campaigns, Campaign Contributions. During the City Auditor's tenure, the City Auditor shall not make or solicit contributions to, publicly endorse or urge the endorsement of or otherwise participate in a campaign for a candidate for City elective office, other than for the City Auditor, or of a City ballot measure, or be an officer, director or employee of or hold a policy decision-making position in an organization that makes political endorsements regarding candidates for City elective office.

The City Auditor shall be represented in all legal matters by the City Attorney except as provided otherwise in Section 401.

Section 405. Independent Budget and Legislative Analyst.

- (a) Notwithstanding any other provision of this Charter, the City Council shall have the right to establish by ordinance an Office of Independent Budget and Legislative Analyst to be managed and controlled by the Independent Budget and Legislative Analyst. The Office of the Independent Budget and Legislative Analyst shall provide independent, objective, and nonpartisan analysis for the City Council, the Council's subcommittees, and Councilmember offices on budgetary and policy proposals and recommendations, including but not limited to:
 - (1) Fiscal analysis, including evaluating budget proposal's, revenue forecasts, long-term liabilities, debt obligations;
 - (2) Policy analysis, including evaluating the likely efficacy, efficiency, and social and economic impacts; and

- (3) Feasibility analysis, including evaluating anticipated impacts on departmental operations, staffing and workload distribution, and service delivery.
- (b) The Council shall appoint the Independent Budget and Legislative Analyst by resolution, who shall serve at the pleasure of the Council and may be removed from office by the Council at any time by resolution. Any person serving as the Independent Budget and Legislative Analyst shall have the professional qualifications of a college degree in finance, economics, business, public policy, or other relevant field of study or relevant professional certification. In addition, such appointee shall have experience in municipal finance, legislative analysis, public policy development, intergovernmental relations, or public administration, or substantially similar equivalent experience. The Independent Budget and Legislative Analyst shall be the appointing authority of all City personnel authorized in the Office of Independent Budget and Legislative Analyst through the budget and appropriation process of the City, and subject to the Civil Service provisions of this Article IX of this Charter. The City Council may, by resolution, prescribe the processes for selecting or removing the Independent Budget and Legislative Analyst.

ARTICLE V THE CITY ~~MANAGER~~ ADMINISTRATOR

Section 502. Acting City Administrator. The City Administrator shall designate two or more of the City Administrator's assistants or department heads, in the sequence in which they are to serve, as Acting City Administrator to serve as City Administrator in the temporary absence or disability of the City Administrator. In the event of the removal or resignation of the City Administrator, the Mayor may designate one of the City Administrator's assistants or a department head to temporarily serve as Acting City Administrator. An Acting City Administrator shall have all the powers and duties of the City Administrator.

Section 503. Powers of Appointment and Removal. The City Administrator shall be responsible to the Mayor and Council for the proper and efficient administration of all affairs of the City under the City Administrator's jurisdiction, and shall, subject to the provisions of Article IX of this Charter and except as otherwise provided in this Charter, have the power to appoint, assign, reassign, discipline and remove ~~all directors or heads of departments~~ the Director of Human Resources and the Director of Finance and all of their subordinate employees ~~under the City Administrator's jurisdiction~~. The City Administrator may delegate to said directors ~~or other department heads responsible to the City Administrator~~ the authority to appoint, discipline and remove subordinate employees, subject to the provisions of Article IX of this Charter.

Section 504. Duties. The City Administrator shall have the power and it shall be the City Administrator's duty:

- (a) To execute and enforce all laws and ordinances and policies of the Council under the City Administrator's jurisdiction and to administer the affairs of the City under the City Administrator's jurisdiction.
- (b) In person or by designee, To attend all meetings of the Council, and its committees, unless excused, and such meetings of boards and commissions as the City Administrator chooses or is directed to attend by the Mayor Council, and to participate in discussions at such meetings.
- (c) To recommend to the Council such measures and ordinances legislation as the City Administrator may deem necessary or expedient and to make such other recommendations to the Council concerning the affairs of the City as the City Administrator finds desirable.
- (d) To investigate affairs of the City under the City Administrator's supervision, or any franchise or contract for the proper performance of any obligation running to the City within the City Administrator's jurisdiction.
- (e) To control and administer the financial affairs of the City. The City Administrator shall be responsible for oversight of the City's financial management, treasury, risk management and debt management functions. The City Administrator may appoint a Director of Finance to act under the City Administrator's direction.
- (f) To administer the civil service system in accordance with the civil service provisions of Article IX of the Charter. The City Administrator shall be responsible for oversight of the City's employment, human resources, and labor relations functions. The City Administrator may appoint a Director of Human Resources to act under the City Administrator's direction.
- (g) To administer and oversee such other City departments as the Mayor may assign.
- (~~h~~) To prepare an annual budget under the direction of the Mayor and Council for the Mayor's submission to the Council.
- (~~g~~) To prepare or cause to be prepared the plans, specifications, and contracts for work which the Council may order.
- (~~h~~) To supervise the purchasing of materials and supplies and to make recommendations to the Council in connection with the awarding of public contracts and to see that all City contracts under the City Administrator's direction or that of the Council are faithfully performed.
- (~~i~~) To prepare and submit to the Council such reports as it may require.
- (~~j~~) To keep the Council at all times fully advised as to the financial condition and needs of the City.
- (~~km~~) To prescribe such general rules and regulations as the City Administrator may deem necessary or expedient to the general conduct of the administrative departments under the City Administrator's jurisdiction.
- (~~l~~) When directed by the Council, to represent the City in its intergovernmental relations and to negotiate contracts for joint governmental actions, subject to Council approval.

- (~~hn~~) To devote the City Administrator's entire time to the duties and interest of the City.
- (~~mo~~) To perform such other duties as directed by the Mayor or as may be prescribed by this Charter or by ordinance or resolution.
- (p) To cooperate with the Council and the Office of Independent Budget and Legislative Analyst, including but not limited to, supplying requested information concerning the budget process and fiscal condition of the City to the Council and the Office of Independent Budget and Legislative Analyst.

ARTICLE VI ADMINISTRATIVE ORGANIZATION

Section 600. Administrative Organization Authorized; Council Confirmation of Certain Department Heads.

- (a) The Council shall by ordinance provide the form of organization through which the functions of the City under the jurisdiction of the ~~City Administrator~~ Mayor are to be administered. Any combination of authorized duties, powers and functions which in the judgment of the Council will provide the most efficient and economical service possible, consistent with the public interest and in keeping with accepted principles of municipal administration, may be authorized by such ordinance. All departments or other administrative agencies so created shall be administered by the ~~City Administrator~~ Mayor or by a department head or other officer appointed by and responsible to the ~~City Administrator~~ Mayor, except as otherwise provided by this Charter.
- (b) The permanent appointment of the following department heads shall be subject to confirmation by the City Council by resolution:
 - (1) The Director of Human Resources;
 - (2) The Director of Finance; and
 - (3) The head of any department or other administrative agency with primary responsibility for the design, construction, or maintenance of City infrastructure, including but not limited to streets, sidewalks, sewers, traffic safety systems, and public rights-of-way.

The Council shall, by resolution, either confirm or refuse to confirm a nominee within 30 calendar days after the appointing authority's request for the Council to schedule the confirmation in accordance with applicable Council Rules of Procedure. If the Council fails to either confirm or refuse to confirm the nominee within the prescribed time, then the nominee shall be, by operation of this subsection, confirmed by the Council. If the Council, within the prescribed time, adopts a resolution refusing to confirm the nominee, the appointing authority shall submit another nominee for the office.

An appointing authority may appoint an individual to head one of these departments on an interim basis without Council confirmation or approval, except

that Council approval is required in order for any single interim appointment to exceed 120 days.

Section 603. Public Ethics Commission.

(a) Creation, Purpose and Responsibilities.

- (1) There is hereby established a Public Ethics Commission as an autonomous department of the City whose purpose shall be to promote more inclusive, representative, and accountable democracy in Oakland and to promote fairness, openness, honesty and integrity in City government.
- (2) The Commission shall be responsible for:
 - (i) Enforcement of laws, regulations and policies intended to assure fairness, openness, honesty and integrity in City government, including compliance by the City of Oakland, its elected officials, officers, employees, boards and commissions, lobbyists, candidates, campaign committees, and other persons subject to laws within the jurisdiction of the Commission;
 - (ii) Education and responding to issues regarding the aforementioned laws, regulations and policies; and
 - (iii) Impartial and effective administration and implementation of programs to accomplish the goals and purposes of the Commission as defined by this Section, including programs to promote more inclusive, representative, and accountable democracy in Oakland.

Such laws, regulations, policies, and programs shall include those relating to campaign finance, lobbying, transparency, and governmental ethics, as they pertain to Oakland.

- (3) The Commission shall have the power to make recommendations to the City Council on matters relating to the foregoing.
- (4) Nothing in this Section shall preclude other City officials, agencies, boards and commissions from exercising authority heretofore or hereafter granted to them, with the exception of Charter Section 603(b)(5).

(b) Functions and Duties. It shall be the function and duty of the Public Ethics Commission to:

- (1) Foster and enforce compliance with:
 - (i) Sections 218 (~~"Non-interference in Administrative Affairs"~~ "Right of Inquiry and Access for Constituent Services"), 907 ("Nepotism"), 1200 ("Conflict of Interest") and 1202 ("Conflict in Office") of this Charter, for violations occurring on or after January 1, 2015;
 - (ii) The Oakland Campaign Reform Act, Oakland Fair Elections Act, False Endorsement in Campaign Literature Act, Oakland's Conflict of Interest Code, code of ethics and governmental ethics ordinance, the Oakland Lobbyist Registration Act, the Oakland Sunshine Ordinance, any ordinance intended to protect City whistleblowers from retaliation, and other Oakland laws regarding campaign finance, lobbying, transparency, or governmental ethics, as provided by ordinance or this Charter.
 - (iii) Related state laws including, but not limited to, the Political Reform Act, Ralph M. Brown Act, and Public Records Act, as they pertain to Oakland.
- (2) Report to the City Council concerning the effectiveness of all local laws regarding campaign finance, lobbying, transparency, and governmental ethics.
- (3) Issue oral advice and formal written opinions, in consultation with the City Attorney.
- (4) Within the time period for submission of such information for the timely completion of the City's regular budget process, provide the Mayor and City Council with an assessment of the Commission's staffing and budgetary needs.
- (5) Act as the filing officer and otherwise receive and retain documents whenever the City Clerk would otherwise be authorized to do so pursuant to Chapter 4 of the California Political Reform Act of 1974 (Government Code Section 81000, et seq.).
- (6) Educate and promote understanding regarding the requirements under the Commission's oversight and study any significant non-compliance problems or trends with Oakland's campaign finance, lobbying, transparency, and governmental ethics laws and identify possible solutions for increasing compliance.
- (7) Review and make recommendations regarding all City systems used for public disclosure of information required by any law within the authority of the Commission.

- (8) Administer and adopt policies to implement the Democracy Dollars Program or any other campaign public financing program.
 - (9) Perform such other functions and duties as may be prescribed by this Charter or City ordinance.
- (c) **Elected Official Salary Increases.** The Public Ethics Commission, with the assistance of the City Administrator and/or outside consultants, at the discretion of the Executive Director, shall set the salary for the City Councilmembers, the Mayor, the City Attorney, and the City Auditor as provided for in Charter Sections 202, 300, 401(1), and 403(1).

ARTICLE VIII FISCAL ADMINISTRATION

Section 800. Fiscal Year. The fiscal year for the City shall commence on the first day of July of each year.

Section 801(1). Budget. Each department, office and agency of the City shall provide in the form and at the time directed by the Mayor and City Administrator all information required by them to develop a budget conforming to modern budget practices and procedures as well as specific information which may be prescribed by the Council. Under the direction of the Mayor and Council, the City Administrator shall prepare budget recommendations for the next succeeding fiscal year which the Mayor shall present to the Council, in a form and manner and at a time as the Council may prescribe by resolution. Following public budget hearings, the Council shall adopt by resolution a budget of proposed expenditures and appropriations necessary therefor for the ensuing year, failing which the appropriations for current operations of the last fiscal year shall be deemed effective until the new budget and appropriation measures are adopted.

Section 801(2). Mayor's Line-Item Budget Veto.

- (a) The Mayor shall have line-item veto power over the annual budget for the next fiscal year passed by Council.
- (b) The following shall apply to the Council's adoption of a budget:
 - (1) The budget as adopted by the Council shall, within forty-eight hours of the Council's adoption, be transmitted to the Mayor by the City Clerk with appropriate notations of the action taken by the Council.
 - (2) The Mayor shall act upon the budget within seven days of the Council's adoption.
 - (3) The Mayor shall either approve the budget by signing and returning it to the City Clerk within the seven-day period, or shall line-item veto the budget and return it to the City Council with their written objections

within the seven-day period. If the Mayor disapproves of any increase, decrease, omission or insertion of any item of the budget by the Council, the Mayor may veto, restore or otherwise change any item to the amount originally proposed by the Mayor or to any amount between that originally proposed by the Mayor and that adopted by the Council. The Mayor, however, shall have no power to change any description or limitation made applicable to an item by the Council, except to veto the change or to restore the description or limitation to the condition originally proposed by the Mayor.

- (4) Failure to return the budget within the seven-day period shall constitute approval and shall be noted by the City Clerk on the official copy, and such budget shall take effect without the Mayor's signed approval.

Section 801(3). Council Consideration of Mayor's Veto; Final Adopted Budget.

Upon the expiration of the Mayor's seven-day period, the Council shall have seven days within which to overcome the action of the Mayor relative to any item or items of the budget. Any item or items of the budget which shall have been vetoed, or otherwise changed by the Mayor, and which shall not be, by six members of the Council, either readopted notwithstanding the objections of the Mayor or changed to an amount between that as originally adopted by the Council and that as changed by the Mayor, shall remain as modified by the Mayor.

Where the Mayor has changed any description or limitation applicable to an item, the Council, in its action pursuant to this section, shall have no power to alter the description or limitation other than to restore it to the condition in which it was originally adopted by the Council.

Upon the expiration of the Council's seven-day period, or sooner if the Council by so directs by an affirmative vote of five members, the budget as returned by the Mayor, and to the extent modified thereafter by the Council, shall become the general City budget for the ensuing fiscal year.

ARTICLE IX PERSONNEL ADMINISTRATION

Section 901. Enforcement and Administration. The provisions of this article, and of the ordinances and rules adopted to give effect thereto, shall be enforced by a Civil Service Board. The Board shall be constituted and appointed as provided in Article VI. The Board shall be responsible for the general supervision of the personnel system, without impairment of the responsibility and duty of the Mayor, City Administrator, department heads and other supervisory personnel to exercise the administrative discretion vested in them by this Charter, or by ordinance.