



Max Anderson
Councilmember District 3

CONSENT CALENDAR
January 26, 2010

To: Honorable Mayor and Members of the City Council
From: Councilmember Max Anderson, District 3
Councilmember Darryl Moore, District 2
Councilmember Jesse Arreguin, District 4
Councilmember Kriss Worthington, District 7
Subject: California Democracy Act

RECOMMENDATION

Adopt a Resolution to endorse the California Democracy Act.

FINANCIAL IMPLICATIONS

NONE

BACKGROUND

The State Constitution of California currently requires that all budget and revenue legislation pass both the Assembly and the Senate with a 2/3 vote, allowing a minority of the legislators in each house to prevent passage of such legislation. The recent consequences of this constitutional requirement has been for a minority of legislators to prevent California from addressing its current financial crisis, catastrophically undermining the ability of the majority of elected state legislators to meet California's needs in health care, education, physical infrastructure, and public safety. The only structural way to change this requirement is via a ballot initiative. The Berkeley City Council endorses the California Democracy Act and urges all eligible Berkeley residents to sign the petition to place it on the ballot. The City of Berkeley will inform all Bay Area City Councils of this action and invite them to concur. "All legislative actions on revenue and budget must be determined by a majority vote.", an Initiative proposed by George Lakoff for the November 2010 Ballot.

CONTACT PERSON

Councilmember Max Anderson, District 3

510 981-7130

Attachment:
Resolution

Reference: Website: <http://www.californiasfordemocracy.com/>

RESOLUTION NO. XXXXX

RESOLUTION IN SUPPORT OF THE CALIFORNIA DEMOCRACY ACT

WHEREAS, the State Constitution of California currently requires that all budget and revenue legislation pass both the Assembly and the Senate with a 2/3 vote, allowing a minority of the legislators in each house to prevent passage of such legislation; and

WHEREAS, the recent consequences of this constitutional requirement has been for a minority of legislators to prevent California from addressing its current financial crisis, catastrophically undermining the ability of the majority of elected state legislators to meet California's needs in health care, education, physical infrastructure, and public safety; and

WHEREAS, the only structural way to change this requirement is via a ballot initiative.

NOW THEREFORE, BE IT RESOLVED the Berkeley City Council endorses the California Democracy Act and urges all eligible Berkeley residents to sign the petition to place it on the ballot.

BE IT FURTHER RESOLVED the City of Berkeley will inform all Bay Area City Councils of this action and invite them to concur.

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

Changes Legislative Vote Requirement to Pass a Budget or Raise Taxes from Two-Thirds to a Simple Majority. Initiative Constitutional Amendment.

Changes the legislative vote requirement necessary to pass the state budget, and to raise taxes, from two-thirds to a simple majority. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Unknown state fiscal impacts from lowering the legislative vote requirement for spending and tax increases. In some cases, the content of the annual state budget could change and/or state tax revenues could increase. Fiscal impact would depend on the composition and actions of future Legislatures. (09-0037.)

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

We, the undersigned, registered, qualified voters of California, residents of _____ County (or City and County), hereby propose amendments to the Constitution of California and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed constitutional amendments read as follows:

SECTION 1. Title.

This measure shall be known and cited as "The California Democracy Act."

SECTION 2. Findings and Declarations.

All legislative actions on revenue and budget must be determined by a majority vote.

SECTION 3. CALIFORNIA CONSTITUTION ARTICLE 4, Section 12, subdiv. (d) is amended to read (change in italics):

No bill except the budget bill may contain more than one item of appropriation, and that for one certain, expressed purpose. Appropriations from the General Fund of the State, except appropriations for the public schools, are void unless passed in each house by rolcall vote entered in the journal, *two-thirds a majority* of the membership concurring.

SECTION 4. CALIFORNIA CONSTITUTION ARTICLE 13A, Section 3, is amended to read (change in italics).

From and after the effective date of this article, any changes in State taxes enacted for the purpose of increasing revenues collected pursuant thereto whether by increased rates or changes in methods of computation must be imposed by an Act passed by not less than *two-thirds a majority* of all members elected to each of the two houses of the Legislature, except that no new ad valorem taxes on real property, or sales or transaction taxes on the sales of real property may be imposed.

SECTION 5. Severability

If any of the provisions of this measure or the applicability of any of this measure to any person or circumstances shall be found to be unconstitutional or otherwise invalid, such finding shall not affect the remaining provisions or circumstances, and to that extent the provisions of this measure are deemed to be severable.

SECTION 6. Conflicting Initiatives

In the event that this measure or another measure or measures relating to their legislative votes required to pass the state budget, increase taxes, or enact or increase fees shall appear on the statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the other measure shall be null and void.

SECTION 7. Conflicting Law

If, and to the extent, any other provision of California Law is in conflict with this amendment, this amendment shall prevail.

