

## **IMPARTIAL ANALYSIS OF MEASURE KK**

### **Current Law**

In 1994, Berkeley voters amended the City Charter to require that all City firefighters hired after January 1, 1995, live within a radius of 40 air miles of the City. All but four of the City's roughly 130 firefighters were hired after January 1, 1995, and therefore must comply with this residency requirement.

The Charter restricts membership on the Citizens Redistricting Commission to registered voters in the City of Berkeley who have voted in the last two General Municipal Elections, unless ineligible to do so by reason of age, thereby precluding noncitizen residents from serving on the Citizens Redistricting Commission.

The Charter currently uses gender references such as "he" and "she."

The Charter currently provides that the City Attorney is appointed by the City Manager, subject to the affirmative vote of five members of the City Council, and is responsible for prosecuting all criminal cases arising from violations of the Charter and City ordinances, and attending to suits and proceedings in which the City is interested, subject to the Council's control over all litigation in which the City is involved.

### **The Proposed Charter Amendment**

The Charter Amendment would eliminate the requirement that City firefighters live within a radius of 40 air miles of the City.

The Charter Amendment would change the name of the "Citizens Redistricting Commission" to the "Independent Redistricting Commission," and eliminate the requirement that members be Berkeley registered voters who have voted in the last two General Municipal Elections, and instead require that members be Berkeley residents who are 18 years of age or older, thereby allowing noncitizen residents to serve on the Independent Redistricting Commission. This amendment conforms the Charter to state law allowing noncitizens to serve on appointed commissions.

The Charter Amendment would replace all gender-specific references in the Charter with gender-neutral pronouns such as "they" and "their."

The Charter Amendment would provide that the City Attorney shall be appointed for an indefinite term, and may be removed, by a vote of five members of the City Council. Under the Charter Amendment, the City Attorney's authority to prosecute violations of the Charter and City ordinances would not apply to City boards whose members are elected, such as the Rent Stabilization Board and Board of Education. The Charter Amendment would require the City Attorney to draft ordinances, advise the Council and City boards and officers, and prosecute and defend the City in all judicial and quasi-judicial proceedings, subject to the general direction of the Council and the Council's

approval to commence, settle, or dismiss any action, and would authorize the City Attorney to enter into contracts to support these functions. The Charter Amendment would provide for the City Attorney to propose a budget and for the Council to provide sufficient funds to carry out the duties of the office.

The City Council placed the proposed Charter Amendment on the ballot.

The above statement is an impartial analysis of Measure KK.

s/MARK NUMAINVILLE  
Berkeley City Clerk