



**THE RULES COMMITTEE
OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO**

**Council President Sherri S. Lightner, Chair
Councilmember Chris Cate, Vice Chair
Councilmember Myrtle Cole
Councilmember Mark Kersey
Council President Pro Tem Marti Emerald**

**ACTIONS FOR THE COMMITTEE MEETING OF
MONDAY, JUNE 20, 2016, at 10:00 A.M.
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET, SAN DIEGO, CA 92101**

**For Information, contact Steven Hadley, Council Committee Consultant
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Committee members present: Lightner, Kersey, Cole, Cate and Emerald

APPROVAL OF COMMITTEE ACTIONS

The Committee Record of Actions of the following meetings was approved by Unanimous Consent:

June 15, 2016

NON-AGENDA PUBLIC COMMENT: Scott Chipman on behalf of Citizen’s Against Legalizing Marijuana, opposing the legalization of marijuana.

COMMITTEE MEMBERS, MAYOR, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY, CITY CLERK, DIRECTOR OF LEGISLATIVE AFFAIRS COMMENT:

None

REQUESTS FOR CONTINUANCE: None

DISCUSSION AGENDA:

ITEM 1: Consideration of an amendment to Charter section 40: City Attorney, addressing the qualifications for office and the powers and duties of the Office of City Attorney, including deputies.

Motion by Councilmember Emerald to forward the recommended edits to Charter section 40: City Attorney to Council on July 11, subject to legal review, for placement on the November 2016 ballot; direct the City Attorney to work with the Council President to prepare draft language for review by the Council; and recommend the Council enter into meet and confer regarding the amendment to change the probationary period for Deputy City Attorneys from two years to one year. Second by Chair Lightner.

Amended by Chair Lightner to have meet and confer include to consider moving the probationary period for Deputy City Attorneys from the Charter to the Municipal Code; request the City Attorney conduct a “single subject rule” evaluation to determine whether clarification that the San Diego City Employee’s Retirement System’s Board of Administration should have its own independent legal counsel can be incorporated in further amendments to Charter section 40; and change the phrase “form and legality” in Charter section 280(b) to read “form or correctness.” Accepted by Councilmember Emerald.

Passed by the following vote:

Yea: Lightner, Cole, Kersey, Cate and Emerald

Nay: None

Recused: None

Not Present: None

ITEM 2: Consideration of language amending sections 23 – Initiative, Referendum and Recall, and 108 – Forfeiture of Office for Fraud and related Charter sections to address removal from office, succession of elected officials and interim authority; and organize the sections along with other sections common to all elected officials in a new Article 16 (new 2.5) – Elected Officials.

Motion by Councilmember Emerald to forward to Council a revised City Attorney’s June 15, 2016, Report to the Rules Committee: Draft of Charter Amendments Related to Vacancy and Removal of Elective Officers, reflecting the Committee’s discussion of the Chair’s attached June 20, 2016, Comments & Questions regarding the Report and the City Attorney’s attached response to the Chair’s Comments & Questions. Second by Councilmember Cole.

Passed by the following vote:

Yea: Lightner, Cole, Kersey, Cate and Emerald

Nay: None

Recused: None

Not Present: None

ITEM 3: Consideration of a proposed cannabis business tax ordinance.

Motion by Councilmember Kersey to forward the proposed cannabis business tax ordinance to the City Council, and direct the City Attorney, Independent Budget Analyst, Chief Financial Officer's Office and relevant Council staff to bring a final proposal to the full City Council on July 11; and make the implementation of the proposed gross receipts tax contingent upon passage of the statewide Adult Use of Marijuana Act. Second by Councilmember Cole.

Passed by the following vote:

Yea: Lightner, Cole, Kersey and Emerald

Nay: Cate

Recused: None

Not Present: None

ITEM 4: Consideration of the creation of a new Charter Article addressing independent, non-mayoral administrative services, including but not limited to sections 37 - Personnel Director, 38 – City Clerk, 39.1 - Audit Committee, 39.2 - Office of City Auditor, 39.3 - Independent Budget Analyst, 40 - City Attorney, 40.1 – Concurrent Jurisdiction of City Attorney with District Attorney and 41 – Commissions. Consideration of an introductory section to the new section, stating its purpose. And, consideration of previously approved substantive changes to the non-mayoral administrative services sections 39.3 – Independent Budget Analyst, 41(c) – Planning Commission, 41(d) – Ethics Commission, and 42 – Membership for the purpose of forwarding to the City Council.

The item was referred to a final report for the Committee to consider before the end of the year.

The Mayor's Office requested that the final language for section 41(c) – Planning Commission be harmonized with California Government Code section 65100 which recognizes that a city may have more than one planning commission. No action was taken.

ITEM-5: Consideration of a proposal to move sections addressing legislative activity to Article

III, including but not limited to sections 270 – The Council, 275 – Introduction and Passage of Ordinances and Resolutions, 280 – Approval or Veto of Council Actions by Mayor, 285 – Enactment Over Veto, 290 – Council Consideration of Salary Ordinance and Budget: Special Veto Power and 295 – When Resolutions and Ordinances Take Effect; Emergency Measures.

The item was referred to a final report for the Committee to consider before the end of the year.

ITEM 6: Consideration of a proposal to move sections addressing primarily executive/mayoral activity to Article IV, including but not limited to sections 260 – Integration of Article with Charter and 265 – the Mayor.

The item was referred to a final report for the Committee to consider before the end of the year.

A handwritten signature in black ink, reading "Sherri S. Lightner". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Sherri S. Lightner
Chair