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REPORT TO THE COMMITTEE ON RULES, OPEN GOVERNMENT AND
INTERGOVERNMENTAL RELATIONS

DISCUSSIONS ON THE MAYOR-COUNCIL FORM OF GOVERNANCE

INTRODUCTION

On October 28, 2009, the Committee on Rules, Open Government, and Intergovernmental Relations (Rules Committee) raised additional topics for discussion regarding the Mayor-Council form of governance. This report is intended to help focus the discussion on topics remaining after the 2007 Charter Review Committee (Charter Committee) final report and the other issues raised by the Rules Committee relating to the responsibilities of the Mayor and the Council.

DISCUSSION

I. CHARTER REVIEW COMMITTEE

By way of background, the Charter Committee was established by the Mayor on January 22, 2007.¹ Each member of the Council recommended an individual to represent his or her district. The Mayor confirmed one nominee from each Councilmember and added members to help ensure a representative balance. The Charter Committee's Executive Summary of the Final Report (Executive Summary) states its mission statement as follows:

To determine modifications necessary to implement the Kroll Report recommendations and other financial reforms; to clarify the roles and responsibilities of elected officials and the separation of powers under the Strong Mayor form of governance; to identify modifications that would improve the functionality of the Strong Mayor form of governance; and to identify legislative tightening that would be required for effective permanent implementation of the Strong Mayor form of governance.

Executive Summary, p. 1.

¹ The Final Report of the Charter Committee is 85 pages, excluding the appendices. The full report and other relevant information can be found on the City's website at: <http://www.sandiego.gov/charterreview/index.shtml>. A copy of the Executive Summary is attached for the convenience of the Rules Committee.

The final report of the Charter Committee summarized 28 topics. The topics were organized beginning with the most pressing matters and ending with matters that should be studied in the future. The Committee's first 11 topics were recommended for the 2008 ballot. Each of these topics was considered by the Council along with an item relating to the Independent Budget Analyst. Nine topics were addressed in three ballot measures at the June 3, 2008 election: exempting safety employees from managed competition (Prop A); voters to decide in June 2010 on permanence of Mayor-Council form of governance, a ninth Council seat and greater veto override (Prop B); and establishing position of Chief Financial Officer, City Auditor, Independent Budget Analyst and new Audit Committee (Prop C).

The remaining topics recommended by the Committee were considered by the Council but not approved for the 2008 ballot: (8) requiring a balanced budget; (10) modifying Charter section 40 (City Attorney) relating to the definition of the client and control of litigation; and (11) changing the salary setting process for elected officials.

The Committee recommended three additional topics for consideration at a later time: (12) allowing the Mayor to make nominations to outside organizations when the controlling law vests the power of appointment in the Council; (13) authorizing the Mayor to act as the Chief Executive Officer of any organization established by federal or state law for which the Council acts as the governing or legislative body (e.g. the Redevelopment Agency); and (14) allowing the Mayor to appoint the Personnel Director, subject to Council confirmation, and to dismiss the Personnel Director without recourse.

Topic 15 related to the composition of SDCERS Board of Administration, and no changes were recommended by the Charter Committee. Topics 16 and 17 were recommended amendments to the San Diego Municipal Code relating to the Audit Committee and City Auditor. Amendments to these provisions are already in process.

Topics 18-28 were researched but needed further study. The topics are broadly described as: (18) appointment of the City Attorney; (19) automatic Charter review; (20) budgetary authority; (21) City investment policies; (22) filling vacancies; (23) Independent Budget Analyst's status (already implemented by Prop C); (24) integration of "Strong Mayor" concept into City Charter; (25) intergovernmental relations; (26) Mayor's role in closed session; (27) possibility of opting into CalPERS; and (28) the timing of the budget process.

This Office provided an analysis of some of the Charter amendments proposed by the Charter Committee. *See* City Att'y Reports 08-01 (Jan. 14, 2008) and 08-03 (Jan. 29, 2008). We will provide a similar analysis of any proposed Charter amendments as needed.

II. LABOR NEGOTIATIONS

It is not clear what topics the Committee wishes to discuss with respect to labor negotiations. In general, the Meyers-Milias-Brown Act imposes certain requirements on the City relating to negotiations with employee organizations. *See* City Att'y MOL 09-2 (Jan. 26, 2009). There also is a Council Policy 300-06 that provides some guidance on the negotiations process. Any proposed amendments to the Charter will require additional time for legal review and possible negotiations with the City's recognized employee organizations.

III. REDEVELOPMENT AGENCY

It also is not clear what City Charter changes the Council contemplates with respect to the Redevelopment Agency (Agency). In 2005, this Office provided two reports related to the role of the Mayor in redevelopment matters. Once the new Mayor-Council form of government took effect, the Mayor was no longer a member of the City Council, and thus would no longer be a member of the Agency Board of Directors. *See* City Att’y Reports 05-22 (Aug. 4, 2005) and 05-23 (Sep. 28, 2005). On November 15, 2005, the Agency Board amended the Bylaws to make them consistent with the change in City government, and provide that: “[T]he Executive Director or Directors shall be the Mayor and or such person or persons as may be designated by the Agency.” In this regard, the City Charter provisions are neither applicable to nor effective upon the Agency. The Agency is a legal entity separate and distinct from the City. It is the Agency Board and not the Council that can change the administration and governance of the Agency. Accordingly, discussions regarding changes to the Mayor’s role in redevelopment matters are more appropriately considered at a noticed meeting of the Agency.

IV. MAYOR AND COUNCIL RESPONSIBILITIES


The Committee indicated that it wished to further discuss the “responsibilities of the Executive and Legislative Branch.” These responsibilities are set forth in the Charter. In addition, this Office has provided an analysis of the respective roles of the Mayor and Council in budget decisions affecting the City’s Administration. *See* Op. City Att’y 07-02 (April 6, 2007).

CONCLUSION

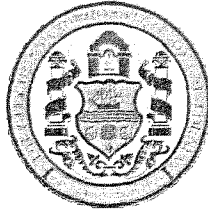
The above list of topics for further discussion is very broad and undefined at this time. This Office will provide assistance and legal advice as more specific proposals are developed.

Respectfully submitted,

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By 
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SAN DIEGO CHARTER REVIEW COMMITTEE 2007



EXECUTIVE SUMMARY OF THE FINAL REPORT

On January 22, 2007, Mayor Jerry Sanders began the process that has produced this report when he called for the establishment of the San Diego Charter Review Committee. After 55 weeks of service as San Diego's first elected Chief Executive Officer since 1931, the Mayor had noted a number of problems in the City's historic shift away from the Council-Manager form of government. In the Mayor's Memorandum on "Establishment of a Charter Review Committee", he stated: "In the City's first year operating under Article XV: Strong Mayor Trial Form of Governance it has become apparent there are a number of areas where clarification and fine-tuning would help achieve the original intent of this reform." The Mayor pointed out that long-term implementation of Article XV was problematic because of its lack of clarity: "I believe that we can all agree roles and responsibilities are unclear, the business of the public is not optimally served, and that a fresh review of this Charter section is a timely priority."

In order to undertake the needed review of the Charter, the Mayor asked the City Council to assist in forming a Committee. Each member of the City Council recommended an individual to represent his or her district. When the Mayor asked for these nominations, he clearly stated his ideals for the composition of the Committee: "We are looking for individuals who can be independent, possess scholarly and operational subject matter expertise, those who have experience with previous charter reform efforts and who are broadly representative of our talented citizenry." Applying the Mayor's criteria, the Council nominated Committee members, the Mayor confirmed one nominee from each Council member, and added members "to round out the Committee ensuring a representative balance."

The San Diego Charter Review Committee was given a very clear set of responsibilities. The Mayor had asked four questions, defining the subject areas around which the Committee should build its workplan. The Committee made finding the answers to those four questions its Mission Statement: "To determine modifications necessary to implement the Kroll Report recommendations and other financial reforms; to clarify the roles and responsibilities of elected officials and the separation of powers under the Strong Mayor form of governance; to identify modifications that would improve the functionality of the Strong Mayor form of governance during the trial period; and to identify legislative tightening that would be required for effective permanent implementation of the Strong Mayor form of governance." The Committee then established three Subcommittees with which to accomplish its mission.

The Subcommittee on Interim Strong Mayor would take on the issues of improving the functionality of the Strong Mayor form of governance, and identifying legislative tightening required to implement it on a long-term basis. The Subcommittee on Financial Reform would address the recommendations made by the Kroll Report, and other needed financial reforms. The Subcommittee on Duties of Elected Officials would handle the clarification of

the roles and responsibilities and separation of powers under the Strong Mayor form of governance. The Chair of the Committee requested each of the Committee members to identify which Subcommittee best fit their interests in the reform process. The division of labor necessary to allow the Committee to accomplish its mission proved easy to achieve, and each Committee member was assigned to the Subcommittee of his or her choice. The Subcommittees each voted to approve a workplan assembled by staff, and the full Committee approved all of them.

For nearly six months (from April 13 to October 4), the San Diego Charter Review Committee and its Subcommittees held 51 meetings, including public forums in every Council District, and meetings by both Subcommittees and full Committee in Balboa Park and City Hall. The public forums and full Committee meetings were all televised on City Channel, and then placed on the website for webcast. The research that the Committee and its Subcommittees have done has been handed out at all meetings, and placed on the website for wider distribution. During 25 weeks of meetings and forums, the Subcommittees and full Committee heard testimony from labor representatives, members of the business community, employees, administrators and elected officials of the City government, experts on urban governance, members of good government groups, and as many members of the wider public who were so civic-spirited as to participate. In terms of the experience of previous San Diego charter commissions, as well as charter commissions from other cities, the process was very open and inclusive. The full Committee and its Subcommittees voluntarily operated under the requirements of the Brown Act for posting its meetings, taking input from the public and holding all of its meetings and conducting its research and deliberations in full public view with citizen participation. The San Diego Charter Review Committee is grateful for all of the assistance that it received from the public-spirited citizens and residents of this City.

I. PROPOSED CHARTER CHANGES FOR THE 2008 BALLOT

Based on all of the input received, the Subcommittees were able to research the many items in their workplans, deliberate on proposals for Charter revision, and forward their recommendations to the full Committee. The Subcommittees made their work available to other Committee members, presented their findings and recommendations before the Committee, and participated in the deliberations on their recommendations. Each of the recommendations below was passed by a majority vote on motions in both the relevant Subcommittee and the full Committee.

The Subcommittees attempted to maintain a division of labor, but an inevitable overlap occurred. For example, the issue of the Mayor's status in terms of redevelopment was handled by the Interim Strong Mayor Subcommittee, but concerns the Duties of Elected Officials. Likewise, the Financial Reform Subcommittee addressed the balanced budget issue, which required examination of the Duties of Elected Officials in adopting and implementing a balanced budget. The unintended overlap between the subject matters of various Subcommittees did not create any difficulties, and in fact served to improve the Committee's work product. Charter review is inherently a collective enterprise in that only the voters can change the City Charter. As democratic theory suggests, the more individuals participate, the better the quality of decisions made.

Because of the cross-cutting nature of the work of the various Subcommittees, and the fact that these recommendations differ in their time sensitivity, the Committee concluded that it was best to categorize its recommendations in terms of when they should be moved forward to the ballot. Because of the importance of assuring that the Strong Mayor Trial truly provides an idea of the improvement that this form of government may offer, the

Committee felt that extending the Trial Period and fine-tuning it to allow a fair assessment of this governmental system was a critical need. Because of the recent fiscal woes of the City—as evidenced by the SEC monitoring and Consent Decree, and the Kroll Report’s assessment of the City’s failure to adequately fund its infrastructure and pension systems—the changes to deal with the issues raised by Kroll were also seen as an immediate priority. Lastly, some of the changes to clarify the duties of elected officials are included in this category because there is an urgent need for improvement.

Other recommendations that the Committee is making are also of great importance and should not be neglected, but the Committee felt the need to prioritize its recommendations for Charter change. In general, recommendations 1-4 are those that emerged from the Interim Strong Mayor Subcommittee. By contrast, recommendations 5-8 have been made by the Subcommittee on Financial Reform. Finally, recommendations 9-11 deal with the matters that the Subcommittee on Duties of Elected Officials identified during its work. However, as indicated above, there was some overlap between the work of the Subcommittees, and each will have made a significant contribution if the City follows up on its work. Refer to Appendix II of the Final Report for the exact language of all of the proposed Charter changes, as each was ratified by the Committee.

II. PROPOSED CHARTER CHANGES FOR A LATER BALLOT

The Committee also identified a number of other Charter changes that were needed. However, unlike the amendments the Committee has recommended for the 2008 ballot, these items could be handled at a later time. They are not needed as urgently as the 11 Charter amendments recommended above. Two of the Subcommittees forwarded to the Committee some of the Charter changes that are recommended for a later ballot. The Interim Strong Mayor Subcommittee proposed the Redevelopment Agency amendment, and the Subcommittee on Duties of Elected Officials forwarded the amendments regarding appointments of City representatives to outside organizations, and the appointment and removal of the Personnel Director. The full Committee approved all of these amendments except one by majority vote. The Committee divided evenly on whether to approve the Charter amendment regarding the Personnel Director. Refer to Appendix II of the Final Report for the exact language of all of the proposed Charter changes, as each was ratified by the Committee.

III, IV and V: OTHER MATTERS

The Committee also deliberated upon other matters, besides the 14 recommendations above. Specifically, the Committee examined the composition of the SDCERS Board of Administration, but did not think that it should be altered. Secondly, the Committee recommended Municipal Code language to the Mayor and Council, should the voters approve the Audit Committee and City Auditor-related Charter amendments offered in the Report. Finally, the Committee identified 11 other items upon which further study might be needed by a future Charter Commission or Committee. The SDCERS status quo recommendation, the Municipal Code language, and the “further study” items are the subjects of Sections III, IV and V of the Report.

VI. ASSEMBLY OF THE FINAL REPORT

On October 4, 2007, the Committee deliberated upon its Final Report, ultimately addressing nine separate motions. These motions established the priority to be accorded to its various recommendations, and provided for the editing to be done upon the document prior to submission to the Mayor and Council.

First Motion

Motion to classify recommendations on Interim Strong Mayor and Legislative Tightening as changes that are proposed for the 2008 ballot:

I. CHANGES PROPOSED FOR THE 2008 BALLOT

INTERIM STRONG MAYOR AND LEGISLATIVE TIGHTENING

1. Extends the trial period in Section 255 (Operative Date; Sunset of Article; Future Action by Voters) to December 31, 2014, at which point Article XV (Strong Mayor Trial Form of Governance) shall be made permanent, unless voters approve a ballot measure to extend, shorten or repeal the effective period of this Article.
2. Amends Section 285 (Enactment Over Veto) and Section 290 (Council Consideration of Salary Ordinance and Budget; Special Veto Power) to require a two-thirds Council majority vote to override a mayoral veto.

(AND)

 Amends Section 285 (Enactment Over Veto) to require that if an ordinance or resolution requires a two-thirds vote or other supermajority vote greater than two-thirds of the Council to pass, then the number of Council votes necessary to override the Mayor's veto shall be one vote more than was necessary to pass the resolution or ordinance. (Also amends Section 290 (Council Consideration of Salary Ordinance and Budget; Special Veto Power) to correct an inaccurate reference to Section 71 as the Charter Section regarding a balanced budget; the language, such as it is at present, occupies Section 69.)
3. Amends Section 270 (The Council) to increase the number of Council districts from eight to eleven, with the redistricting to add the three additional districts to occur as soon as practicable.
4. Amends Section 270 (The Council) to clarify that Office of the Independent Budget Analyst is authorized under the Charter to act as a budgetary and policy analyst for the City Council.

The first motion was approved by Roll-call Vote: Affirmative = Bersin, Channick, Cleves Anderson, Davies, Kwiatkowski, Milliken, Mudd, Nelson, Roth, Sparrow; Negative = Gordon, Sorensen; Absent = Jones, McDade, Wilson.¹

Second Motion

Motion to classify recommendations on Financial Reform and the Kroll Report as changes that are proposed for the 2008 ballot:

I. CHANGES PROPOSED FOR THE 2008 BALLOT

¹ Committee members Donna Jones, J. Michael McDade and Lei-Chala Wilson were unable to attend the final meeting of the Committee. However, they approved the Final Report in draft form, and signed the signature sheet that it includes. The Committee did not make any substantive changes to the items upon which these three Committee members had voted in prior meetings, and the Final Report presented on October 4, 2007 had already been edited in accordance with their directions, based on the draft issued September 27, 2007.

FINANCIAL REFORM AND THE KROLL REPORT

5. Amends Section 39 (City Auditor and Comptroller) and Section 265 (The Mayor) to indicate that the Chief Financial Officer shall assume the responsibilities of the City Auditor and Comptroller (or "City Auditor and Controller"); amends Section 117 (Unclassified and Classified Officers) to clarify that the Chief Financial Officer remains exempt from civil service, as the City Auditor and Comptroller presently is by virtue of department head status.

(AND)

- Amends Section 45 (City Treasurer) to remove the need for Council confirmation of the City Treasurer.
6. Adds a new Section 39.1 (Audit Committee) to establish an Audit Committee consisting of five members composed of two members of the City Council, one of whom shall serve as Chair, and three members of the public. The public members shall be appointed by the City Council from a pool of candidates to be recommended by a majority vote of a screening committee comprised of the Chief Financial Officer, the Independent Budget Analyst, the City Attorney or his or her designee, a member of the City Council and two outside financial experts.
 7. Adds a new Section 39.2 (City Auditor) to establish a City Auditor who shall be appointed by the City Manager in consultation with the Audit Committee and confirmed by the City Council. The City Auditor shall be a Certified Public Accountant or Certified Independent Auditor. The City Auditor shall serve for a term of ten (10) years and report to the Audit Committee. The Audit Committee with a four-fifths vote may terminate the City Auditor with a right to appeal to the City Council who can override the Audit Committee's action with a two-thirds vote. Amends Section 111 (Audit of Accounts of Officers) to transfer auditing responsibilities of City Auditor and Comptroller to City Auditor and Audit Committee.
 8. Amends Section 69 (Fiscal Year and Manager's Estimate) to require that the Manager propose and the Council adopt a balanced budget annually. The term "balanced budget" will mean sufficient funds are available to cover projected expenditures. The Manager shall monitor and report on the budget throughout the fiscal year and if he or she determines there will no longer be sufficient funding from all available sources to cover projected expenditures and encumbrances, the Manager shall propose revisions to keep the budget balanced. Within 60 days of the Manager's submission of these revisions, the Council shall adopt them or offer alternative ones to ensure a balanced budget. The Manager and Council shall take the necessary steps to ensure a balanced budget by the end of each fiscal year. The City shall post copies of the budget on appropriate electronic media, such as the internet, to allow the public full access to the document.

The second motion was unanimously approved by Roll-call vote: Affirmative = Bersin, Channick, Cleves Anderson, Davies, Gordon, Kwiatkowski, Milliken, Mudd, Nelson, Roth, Sorensen, Sparrow; Absent = Jones, McDade, Wilson.

Third Motion

Motion to move the SDCERS status quo recommendation, which the Report had originally placed among the Financial Reform and the Kroll Report category, to an alternate section of the report, including items to which the Committee recommends no changes:

III. ITEMS UPON WHICH NO CHANGES ARE RECOMMENDED

15. Recommends maintenance of the *status quo* in regard to the Board of Administration of the San Diego City Employees Retirement System. The recent Charter changes seem to be working well, despite recommendations by the Kroll Report for a board with a different number of members and different affiliations.

The third motion was approved unanimously by Voice-vote: Affirmative = Bersin, Channick, Cleves Anderson, Davies, Gordon, Kwiatkowski, Milliken, Mudd, Nelson, Roth, Sorensen, Sparrow; Absent = Jones, McDade, Wilson.

Fourth Motion

Motion to classify recommendations on Duties of Elected Officials as changes that are proposed for the 2008 ballot:

I. CHANGES PROPOSED FOR THE 2008 BALLOT

DUTIES OF ELECTED OFFICIALS

9. Amend section 117 (Unclassified and Classified Services) to clarify that Police officers, fire fighters and lifeguards who participate in the Safety Retirement System are exempt from Managed Competition.
10. Amend Section 40 (City Attorney) to create professional qualifications for this Office, define the civil client as the municipal corporation of the City of San Diego, clarify authority over the control and settlement of litigation, and establish a process allowing a City entity to retain outside legal counsel (at the entity's own expense) when the City Attorney's Office may not provide legal advice due to an ethical or financial conflict of interest.

The fourth motion was approved by Roll-call vote: Affirmative = Bersin, Channick, Davies, Milliken, Mudd, Nelson, Roth; Negative = Cleves Anderson, Gordon, Kwiatkowski, Sorensen, Sparrow; Absent = Jones, McDade, Wilson.

Fifth Motion

Motion to re-classify the Salary Setting recommendation, so that it is listed among the recommendations on Duties of Elected Officials as changes that are proposed for the 2008 ballot; further to retain the "Later Ballot" classification proposed for the recommendations on Appointments to Outside Organizations, Personnel Director and Redevelopment Agency:

I. CHANGES PROPOSED FOR THE 2008 BALLOT

DUTIES OF ELECTED OFFICIALS

11. Repeal Section 24.1 (Mayor's Salary) and amend Section 12.1 (Councilmanic Salaries), Section 40 (City Attorney) and Section 41.1 (Salary Setting Commission) to alter the salary setting process for all elected officials. Henceforth, the Salary Setting Commission shall include individuals with particular expertise, authorized to examine all appropriate factors and establish the salaries of the Mayor, City Attorney and Council. The Council must adopt the Salary Setting Commission's

recommendations for salaries, and the Mayor may not veto them. The public will retain its referenda authority over the ordinance enacting these salaries.

II. CHANGES PROPOSED FOR A LATER BALLOT

12. Amend Section 265 (The Mayor) to allow the Mayor to submit nominees for consideration when controlling law vests the power to appoint City representatives to boards, commissions, committees and governmental agencies in the City Council or a City Official other than the Mayor.
13. Amends Section 265 (The Mayor) to authorize the Mayor to act as the Chief Executive Officer of any organization established by federal or state law for which the City Council acts as the governing or legislative body. In this capacity, the Mayor will supervise the administrative affairs of these organizations, and hold the same administrative and procedural power and authority that the Mayor has in conducting City affairs, including the power of veto. This would institutionalize the Mayor's present position as Executive Director of the Redevelopment Agency.
14. Amend Section 265 (The Mayor) to allow the Mayor to appoint the Personnel Director, subject to Council confirmation, and to dismiss the Personnel Director without recourse.

The fifth motion was approved unanimously by Roll-call vote: Affirmative = Bersin, Channick, Cleves Anderson, Davies, Gordon, Kwiatkowski, Milliken, Mudd, Nelson, Roth, Sorensen, Sparrow; Absent = Jones, McDade, Wilson.

Sixth Motion

Motion to approve Municipal Code recommendations regarding the Audit Committee and City Auditor:

IV. SUMMARY OF MUNICIPAL CODE PROPOSALS

16. The Subcommittee on Financial Reform offered draft language to provide an idea of its "legislative intent" for the actions of the Audit Committee. If the voters pass the Audit Committee Charter Amendment, then the Charter Review Committee has recommended language to codify the operations of the Audit Committee.
17. The Subcommittee on Financial Reform has offered draft language to provide an idea of its "legislative intent" regarding the types of auditing that the City Auditor should include in the Audit Plan. These include management audits, performance audits, and audits of the economy and efficiency of City operations. If the voters pass the City Auditor Charter Amendment recommended above, then the Committee has recommended language to codify the operations of the City Auditor.

The sixth motion was unanimously approved by Voice-vote: Affirmative = Bersin, Channick, Cleves Anderson, Davies, Gordon, Kwiatkowski, Milliken, Mudd, Nelson, Roth, Sorensen, Sparrow; Absent = Jones, McDade, Wilson.

Seventh Motion

Motion to forward list of items for further study by a later Charter Committee or Commission (parking lot):

V. ITEMS RESEARCHED, BUT NEEDING FURTHER STUDY BY A FUTURE CHARTER COMMITTEE OR COMMISSION

18. Appointment of City Attorney
19. Automatic Charter Review
20. Budgetary Authority
21. City Investment Policies
22. Filling Vacancies
23. Independent Budget Analyst's Status
24. Integration of Strong Mayor Concept into City Charter
25. Intergovernmental Relations
26. Mayor's Role in Closed Session
27. Possibility of Opting into CalPERS
28. Timing of Budget Process

The seventh motion was unanimously approved by Voice-vote: Affirmative = Bersin, Channick, Cleves Anderson, Davies, Gordon, Kwiatkowski, Milliken, Mudd, Nelson, Roth, Sorensen, Sparrow; Absent = Jones, McDade, Wilson.

Eighth Motion

This was a motion to alter recommendations in accordance with staff input. The staff noted that some of the recommendations would have been problematic, as the Committee had originally approved them. Such items as clearly retaining the CFO's civil service-exempt status, avoiding gender references in the City Treasurer language, specifying a manner by which the screening committee would recommend candidates for the Audit Committee, needed to be fixed. None of these changes substantively altered the original recommendations by the full Committee. The Committee voted to approve all of these changes, and they are reflected in the language of the recommendations listed above. The eighth motion was unanimously approved by Voice-vote: Affirmative = Bersin, Channick, Cleves Anderson, Davies, Gordon, Kwiatkowski, Milliken, Mudd, Nelson, Roth, Sorensen, Sparrow; Absent = Jones, McDade, Wilson.

Ninth Motion

This was a motion to approve the report, with a request that the Chair edit it to reflect both fixes to any typographical errors, as well as changes in the tone and diction of some sections which members found problematic. The ninth motion was approved unanimously by Roll-call vote: Affirmative = Bersin, Channick, Cleves Anderson, Davies, Gordon, Kwiatkowski, Milliken, Mudd, Nelson, Roth, Sorensen, Sparrow; Absent = Jones, McDade, Wilson.

The Chair worked closely with staff to ensure that the Final Report accomplished all of the things that Committee members sought through the passage of the ninth motion. If there are any mistakes in the final document, these are not by design, but rather are the product of the human imperfection that has rendered every City Charter a work in progress.