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

PROPOSED AMENDMENT TO SAN DIEGO MUNICIPAL CODE SECTION 26.06 TO
ENSURE THE SMALL BUSINESS ADVISORY BOARD DOES NOT LOSE A MAJORITY
OF ITS MEMBERS IN ANY YEAR DUE TO EXPIRED TERMS.

INTRODUCTION

The Small Business Advisory Board (Board) serves in an advisory capacity to the Mayor and City Council on matters relating to small businesses. SDMC § 26.06(a). The Board consists of eleven members who serve two-year terms. The Board is structured so that the terms of not more than five members expire in any year. This is contrary to the City's usual provision that avoids losing a majority of board members at any one time and appears to be an oversight that occurred when the number of members was increased from nine to eleven. The proposed amendment to San Diego Municipal Code section 26.06 resolves this concern, as discussed below.

DISCUSSION

On July 19, 1982, the City Council adopted Ordinance No. O-15776 (Original Ordinance), which added San Diego Municipal Code section 26.06 to the San Diego Municipal Code creating the Board. The Original Ordinance specified that the Board consist of seven members who serve without compensation for two-year terms and until a successor is duly appointed and confirmed. The Original Ordinance also stated that the members of the Board shall be appointed in such a manner so that the terms of not more than four members expire in any year. The Original Ordinance was crafted to essentially ensure that the Board would not lose a majority of its members in any year due to expired terms.

On December 5, 1983, the City Council adopted Ordinance No. O-16088, which increased the total number of members of the Board to nine members. Ordinance No. O-16088 also increased the number of members of the Board whose term may expire in any year by one member so that the terms of not more than five members could expire in any year. This revision was consistent with the Original Ordinance and guaranteed that the Board would not lose a majority of its members in any year due to expired terms.

On January 28, 2002, the City Council adopted Ordinance No. O-10928, which increased the number of members of the Board from nine to eleven members. Ordinance No. O-10928, however, did not increase the number of members whose term may expire in any year by one member to correspond to the increase in the total number of members on the Board. San Diego Municipal Code section 26.06 currently provides that the terms of not more than five members shall expire in any year. SDMC § 26.06(b). Consequently, it is possible that the Board could lose a majority of its members in any year due to expired terms.

The proposed amendment to San Diego Municipal Code section 26.06 requires that the members be appointed in such manner so that the terms of not more than six members expire in any year. This revision is consistent with the original intent of the City Council to have the terms of not more than a majority of members of the Board expire in any year.¹

CONCLUSION

The Small Business Advisory Board may lose a majority of its members under the provisions of San Diego Municipal Code section 26.06. This appears to be contrary to the City's usual practice and may have been an oversight that occurred when the number of Board members was increased from nine to eleven. The proposed amendment to San Diego Municipal Code section 26.06 will increase the number of members whose term may expire in any year from five to six members. This amendment will ensure that the Board does not lose a majority of members of the Board in any year due to expired terms.

Respectfully submitted,

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¹ Other City boards and commissions with eleven members serving two-year terms which require that the terms of not more than six members expire in any year include the Park and Recreation Board (SDMC § 26.30(b)(3)), the Senior Affairs Advisory Board (SDMC § 26.1502), and the Commission on the Status of Women (SDMC § 26.13(b), currently inactive).