

August 1, 1990

REPORT TO THE COMMITTEE ON RULES, LEGISLATION,
AND INTERGOVERNMENTAL RELATIONS
IN THE MATTER OF THE NOVEMBER 6, 1990, SPECIAL MUNICIPAL ELECTION

Pursuant to your request, the City Attorney has prepared drafts of various propositions to amend the City Charter, which, if approved by this Committee, will go before Council in the form of ordinances and resolutions for approval to place them before the voters at the November 6, 1990, election. The various propositions are described briefly below.

Except where designated, these Charter amendments were proposed by the Charter Review Commission in its final report dated March, 1989 and tentatively approved for the 1990 ballot at the City Council's special workshop on January 12, 1990. For your convenience, we have prepared a strikeout version of each Charter amendment, which appears directly behind each proposition. The propositions containing Charter amendments are set forth in numerical order.

1. Proposition : Amends Section 4.

Amends Section 4 (Districts Established) to strike the term "registered voter."

2. Proposition : Amends Section 12.

The following shows the Charter Review Commission Proposal as amended by Council January 12, 1990:

Amends Section 12 (The Council) to provide for the election of a Council member within a district if the full Council fails to fill a vacancy by appointment within 30 days of the vacancy. If no candidate receives a majority of votes cast, a run-off election will be held to determine the winner between the two candidates receiving the highest number of votes.

3. Proposition : Amends Sections 24 and 25.

Adds mayoral veto to Section 24 (Mayor) for all actions of the Council subject to a Council override by two-thirds vote of its members. Amends Section 25 (Deputy Mayor) to clarify that Deputy Mayor shall not have veto power.

4. Proposition : Amends Section 41.

Adds a new subsection (d) in existing Section 41 (Commissions) to create a Redistricting Commission, appointed by the Mayor and Council, to redraw Council districts. It requires and authorizes the Redistricting Commission to approve any redistricting plan and put the plan in effect by filing a map

with the City Clerk.

5. Proposition : Amends Section 53 (proposed by Councilmember Wolfsheimer).

Amends Section 53 (Water Utility) to permit Water Utilities assets to be used by the City's General Fund after provision for payment of bonded indebtedness and interest thereon.

6. Proposition : Amends Sections 55 and 55.1.

Amends Section 55 (Park and Recreation) and Section 55.1 (Mission Bay Park - Restrictions upon Commercial Development) to require master plans for resource based parks and imposes a 120 day referendum period on City actions proposing the construction of any permanent structure in excess of 5,000 square feet in resource based parks and the placement of streets and roads through park lands. Adds open space to the list of real property under the City Manager's control and management. Deletes the phrase "or later ratified."

7. Proposition : Adds New Sections 69.1 and 71.1 (Proposed by Mayor O'Connor).

Adds new Section 69.1 (Five Year Fiscal Plan) requiring the City Manager to prepare and submit a proposed five (5) year budget plan at the same time the Manager submits the annual budget to Council for approval. Also adds new Section 71.1 (Preparation and Passage of Multi-year Appropriations) permitting City Council to adopt a multi-year appropriations ordinance subject to the State Constitution, in conjunction with five (5) year budget plan authorized by Section 69.1.

8. Proposition : Amends Section 90.2 (Proposed by Councilmember Wolfsheimer).

Amends Section 90.2 (Sewer) by deleting Subsection 8, Subdivision C, which will permit interest in the Sewer Revenue Fund to be used by the City's General Fund. This amendment shall not be effective until all bonds payable out of the revenues of the Sewer Revenue Fund have been amortized.

9. Proposition : Amends Section 92.

Amends Section 92 (Borrowing Money on Short Term Notes) to strengthen the City's market position regarding short term borrowing by the City Treasurer.

10. Proposition : Adds New Section 100.1.

Adds a new Section 100.1 (Participation of Minority and Women Business Enterprises) to create opportunity for Council to adopt a minority and women business enterprise plan by ordinance.

11. Proposition : Amends Section 141.

Amends Section 141 (City Employees' Retirement System) to remove the requirement for mandatory retirement at age 65.

12. Proposition : Amends Section 143.1.

Amends Section 143.1 (Approval of Amendments by Members) to provide that retired City employees shall vote on proposed ordinances that affect their retirement benefits.

13. Proposition : Adds New Section 221.

Adds a new Section 221 (Sale of Real Property) requiring voter approval of the sale or exchange of 80 acres or more of contiguous City owned land.

14. Proposition : Amends Sections 4, 10, 12, 12.1, 13, 15, 22, 24, 25, 27, 28, 29, 31, 32, 35, 37, 38, 39, 40, 45, 69, 72, 80, 82, 83, 85, 88, 90.1, 94, 100, 101, 107, 108, 111, 112, 113, 114, 116, 126, 129.1, 131, 132, 134, 135, 136, 137, 141, 142, 143, Art. X, 1, 211, 217, 218, and 224.

Amends above-cited Charter Sections to remove use of masculine gender. Final ballot language and strikeout versions were not prepared for this report, but attached are excerpts of the Charter Review Commission's final report showing proposed amendments to relevant passages of each section cited.

Respectfully submitted,
JOHN W. WITT
City Attorney

CCM:mk
Attachments
RC-90-39