

February 6, 1991

REPORT TO THE COMMITTEE ON RULES, LEGISLATION,
AND INTERGOVERNMENTAL RELATIONS
PROPOSED ESTABLISHMENT OF A CITIZENS' CHARTER CONVENTION

The Rules Committee, on February 6, 1991, will be discussing (as Item number 1) the matter of establishing a Citizens' Charter Convention. We have been asked to provide a report for discussion purposes on the authority for and procedure to be used to establish a Charter Commission. Collaterally, we discuss the matter of amending the Charter without a convention.

Statutory authority to amend the Charter is provided in the State Constitution, California Government Code, the Charter of San Diego and the San Diego Municipal Code. Section 223 of the Charter, attached hereto as Attachment 1, provides specifically for amending the Charter. Section 27.2808 of the Municipal Code provides for Charter Initiative Elections. Attachment 2.

Most directly on point with the issue, California Government Code sections 34450 et seq., provides statutory authority and guidance for the enactment, amendment, or repeal of a Charter. Attachment 3. This chapter governs establishment of Charter Commissions and sets forth provisions for qualification and nomination of candidates for Commissioner and conducting votes thereon. See Sections 34452, 34453 and 34454. Further included in this chapter are alternate provisions for enacting, amending, or repealing a Charter. See Section 34458.

The chapter, which encompasses Sections 34450 through 34462 represents the statutory scheme for amending Charters. Attachment 4 hereto is a synopsis of those sections prepared by Justice Edward T. Butler, Chairman of the 1988 Charter Review Commission. It represents an accurate summary of the Government Code provisions.

In summary, there are several methods available to amend the Charter:

- a. The City Council may call for an election of Charter Commissioners 15 members by a majority vote of Council. Section 34452.
- b. An initiative containing not less than 15 percent of the registered voters of the City calling for an election of Commissioners shall cause the matter to

be placed on the ballot. Section
34452.

c. The City Council may propose, by
majority vote, amendments to the Charter.
Section 34458.

Respectfully submitted,
JOHN W. WITT
City Attorney

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Attachments

RC-91-9