

ORDINANCE NO. O-15309
(New Series)

AUG 11 1980

AN ORDINANCE OF THE CITY OF SAN DIEGO, CALIFORNIA, ORDERING, CALLING, PROVIDING FOR AND GIVING NOTICE OF A SPECIAL ELECTION TO BE HELD IN THE CITY ON NOVEMBER 4, 1980, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO ONE PROPOSITION AMENDING SECTION 11.1 OF THE CHARTER OF THE CITY OF SAN DIEGO; ONE PROPOSITION AMENDING SECTIONS 12.1 AND 24.1 OF THE CHARTER OF THE CITY OF SAN DIEGO; AND ONE PROPOSITION RELATING TO AN INITIATIVE MEASURE ADDING SECTION 130.5 TO THE CHARTER OF THE CITY OF SAN DIEGO.

WHEREAS, at a meeting held on August 11, 1980, the City Council of The City of San Diego adopted Resolution No.

R-252470 requesting the Board of Supervisors of the County of San Diego to order the consolidation of a special municipal election to be held on November 4, 1980 with the statewide general election to be held on the same date; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, California, as follows:

Section 1. A special municipal election is hereby called and ordered to be held in the City of San Diego, California, on November 4, 1980, and pursuant to the provisions of Section 223 of the Charter of The City of San Diego, the provisions of Section 3 of Article XI of the Constitution of the State of California and the provisions of Sections 34450 and 34459 of the California Government Code dealing with Charter amendments,

CORRECTED COPY

the Council of The City of San Diego, being the legislative body thereof, hereby proposes and submits to the qualified voters of the City at such special municipal election the following propositions:

PROPOSITION _____

Amend Section 11.1 of Article III of the Charter of The City of San Diego to read as follows:

Section 11.1 LEGISLATIVE POWER--NONDELEGABLE.

The same prohibition against delegation of the legislative power which is imposed on the State Legislature by Article XI, Section 11a of the Constitution of the State of California shall apply to the City Council of The City of San Diego, so that its members shall not delegate legislative power or responsibility which they were elected to exercise in the adoption of any ordinance or resolution which raises or spends public monies, including but not limited to the City's annual budget ordinance or any part thereof, and the annual ordinance setting compensation for City employees, or any ordinance or resolution setting public policy.

In setting compensation for City employees, the City Council shall adopt an ordinance no later than May 30 of each year after considering all relevant evidence including but not limited to the needs of the citizens of the City of San Diego for municipal services and the ability of the citizens to pay for those services;

provided, however, that the City Council shall give priority in the funding of municipal services to the need of the citizens for police protection.

The prohibition imposed by this section against unlawful delegation of the legislative responsibility to set compensation for city employees shall extend to any scheme or formula which seeks to fix the compensation of City of San Diego employees at the level of compensation paid to employees of any other public agency whose governing board is not elected by and not accountable to the people of the City of San Diego.

PROPOSITION _____

Amend Section 12.1 of Article III and Section 24.1 of Article IV of the Charter of The City of San Diego to read as follows:

Section 12.1. COUNCILMANIC SALARIES.

On or before February 15 of each year, the Salary Setting Commission shall recommend to the Council the enactment of an ordinance establishing the salary of members of the Council for the following fiscal year commencing July 1 of that year and ending June 30 thereafter. The Council shall adopt the salaries by ordinance as recommended by the Commission, or in some lesser amount, but in no event may it increase the amount. The ordinance shall be subject to the referendum provisions of this Charter and upon the filing of a sufficient petition, the ordinance shall not become effective

and shall be repealed by the Council or shall forthwith be submitted to a vote of the people at the next general statewide election.

Section 24.1. MAYOR'S SALARY.

On or before February 15 of each year, the Salary Setting Commission shall recommend to the Council the enactment of an ordinance establishing the Mayor's salary for the following fiscal year commencing July 1 of that year and ending June 30 thereafter. The Council shall adopt the salary by ordinance, as recommended by the Commission, or in some lesser amount, but in no event may it increase the amount. The ordinance shall be subject to the referendum provisions of this Charter and upon the filing of a sufficient petition, the ordinance shall not become effective and shall be repealed by the Council or shall forthwith be submitted to a vote of the people at the next general statewide election.

PROPOSITION _____

Initiative measure to add Section 130.5 to Article VIII of the Charter of The City of San Diego to read as follows:

Section 130.5. FORMULA TO PAY TO SAN DIEGO CITY
FIRE FIGHTERS SALARIES EQUAL TO THE
AVERAGE OF SALARIES PAID BY OTHER
LARGE CITIES IN CALIFORNIA.

A. DECLARATION OF POLICY; PROHIBITION OF STRIKES.

San Diego City fire fighters of every rank are prohibited under this charter from striking against the City. Nevertheless, San Diego's fire fighters are

paid less than the average salaries paid to fire fighters in California's other large cities. Therefore, it is necessary to develop a formula which will assure that San Diego City fire fighters are paid a salary equal to the average salary paid to fire fighters in cities of comparable size. Such a formula will enable San Diego to hire the finest fire fighting personnel and to maintain continued labor peace.

B. SURVEY OF FIVE LARGEST CITIES.

Not later than the first day of March of each year, the Civil Service Commission shall survey and certify to the City Council the rates of compensation paid to fire fighters, fire engineers, fire captains, fire battalion chiefs, and fire deputy chiefs in the five cities, or combined cities and counties, in California, other than San Diego, which are the largest by population as measured by the latest report by the Population Research Unit of the Department of Finance of the State of California. At each rank, the rate compensation surveyed and certified shall be the amount of monthly salary, excluding fringe benefits, paid to the top step fire fighters, fire engineers, fire captains, fire battalion chiefs, and fire deputy chiefs in each of the five cities, or combined cities and counties, surveyed. When the ranks or positions in the fire department of any surveyed city, or combined city or county, have different names than those used in the City of San Diego Fire Department, ranks performing the same or essentially the same duties as fire fighters, fire engineers, fire captains, fire battalion chiefs, and fire deputy chiefs in the City of San Diego shall be surveyed.

C. COMPUTATION OF AVERAGE SALARY.

Also, not later than the first day of March of each year, the Civil Service Commission shall compute and certify to the City Council the average among the five cities, or combined cities and counties, surveyed of the top step rates of compensation for each rank or position. For each rank or position, this amount shall be referred to as the "average salary." For each rank or position, the average salary shall be computed by adding together the top step monthly salary for that rank or position paid in each of the five surveyed cities, or combined cities and counties, and then dividing the resulting sum by five. If a city, or combined city and county, does not have a rank comparable to one or more of the ranks surveyed, the average salary for that rank shall be computed by adding together the top step monthly salary for that rank in the cities, or combined cities and counties, having a comparable rank, and then dividing the resulting sum by the number of cities, or combined cities and counties, having a comparable rank. When the computation is complete, and not later than March 1 of each year, the Civil Service Commission shall certify to the City Council the average salary for fire fighters, fire engineers, fire captains, fire battalion chiefs, and fire deputy chiefs.

D. OBLIGATION OF CITY COUNCIL.

Thereupon, the City Council of San Diego shall have the power, and it shall be its duty, by ordinance, to

fix minimum monthly rates of compensation for top step San Diego City fire fighters, fire engineers, fire captains, fire battalion chiefs, and fire deputy chiefs at least equal to the average salary for each rank as certified by the Civil Service Commission. The rates of compensation for San Diego City fire fighters, fire engineers, fire captains, fire battalion chiefs and fire deputy chiefs, who are not at the top step, shall be fixed after the top step rates of compensation are fixed such that the salary differentials between steps are equal to the salary differentials as they existed in the San Diego City Fire Department on the effective date of this amendment.

E. RIGHT TO MEET AND CONFER.

The rates of compensation fixed as provided herein shall be minimum rates of compensation, and nothing in this section shall prevent the City of San Diego from meeting and conferring with the certified representatives of San Diego City fire fighters, fire engineers, fire captains, fire battalion chiefs, and fire deputy chiefs to negotiate rates of compensation in excess of the minimum rates provided for herein.

F. GRADUAL ADJUSTMENT OF SALARIES OVER FOUR YEARS.

Notwithstanding the foregoing, and in recognition of the fact that top step San Diego City fire fighters, fire engineers, fire captains, fire battalion chiefs, and fire deputy chiefs currently earn substantially less

than the average salary for the corresponding rank or position and that, therefore, there would be a substantial fiscal impact in the first year to bring rates of compensation in the City of San Diego at least up to the average salaries, the City of San Diego shall have four fiscal years within which to make the rates of compensation for top step San Diego City fire fighters, fire engineers, fire captains, fire battalion chiefs and fire deputy chiefs at least equal to the average salary for each rank, as follows:

1. Effective July 1, 1981, the City Council shall compute the difference in dollars between the rate of compensation, not including fringe benefits, paid to a top step San Diego City fire fighter and the average salary for fire fighters and shall pay to top step San Diego City fire fighters a salary increase at least equal to 40 percent of that difference. (That difference shall be referred to hereinafter as "the salary equalizer." Amounts less than one dollar shall be rounded off to the nearest dollar.) Fire fighters at steps lower than the top step shall be paid salary increases sufficient so that the differential between their salaries and the top step salary existing as of the effective date of this amendment is maintained. The same procedure outlined in this subsection shall be followed to fix the rates of compensation for San Diego City fire engineers, fire captains, fire battalion chiefs, and fire deputy chiefs, effective July 1, 1981.

2. Effective July 1, 1982, the City Council shall pay to top step San Diego City fire fighters a salary increase at least equal to 20 percent of the salary equalizer plus the average salary increase paid to fire fighters in the five surveyed cities, or combined cities and counties. The "average salary increase paid to fire fighters in the five surveyed cities, or combined cities and counties," hereinafter referred to as the "average salary increase," shall be computed as follows: the dollar amounts of the salary increases enacted for fiscal July 1, 1981 to June 30, 1982 for top step fire fighters in each surveyed city, or combined city and county, shall be added together and then divided by five to arrive at the average salary increase. Fire fighters at steps lower than the top step shall be paid salary increases sufficient so that the differential between their salaries and the top step salary existing as of the effective date of this amendment is maintained. The same procedure as outlined in this subsection shall be followed to fix the rates of compensation for San Diego City fire engineers, fire captains, fire battalion chiefs, and fire deputy chiefs, effective July 1, 1982.

3. Effective July 1, 1983, the City Council shall pay to top step San Diego City fire fighters a salary increase at least equal to 20 percent of the salary equalizer plus the average salary increase for the fiscal year July 1, 1982 to June 30, 1983. Fire fighters at

steps lower than the top step shall be paid salary increases sufficient so that the differential between their salaries and the top step salary existing as of the effective date of this amendment is maintained. The same procedure as outlined in this subsection shall be followed to fix the rates of compensation for San Diego City fire engineers, fire captains, fire battalion chiefs, and fire deputy chiefs, effective as of July 1, 1983.

4. Effective July 1, 1984, the City Council shall pay to top step San Diego City fire fighters a salary increase at least equal to 20 percent of the salary equalizer plus the average salary increase for the fiscal year July 1, 1983 to June 30, 1984. Fire fighters at steps lower than the top step shall be paid salary increases sufficient so that the differential between their salaries and the top step salary existing as of the effective date of this amendment is maintained. The same procedure as set forth in this subsection shall be followed to fix the rates of compensation for San Diego City fire engineers, fire captains, fire battalion chiefs, and fire deputy chiefs, effective as of July 1, 1984.

5. From and after July 1, 1984, the procedures set forth in subsections (B) through (E) shall be followed to pay to San Diego City fire fighters, fire engineers, fire captains, fire battalion chiefs, and fire deputy chiefs salaries at least equal to the average salaries for those ranks in the surveyed cities, or combined cities and counties.

G. YEARS OF SERVICE.

In determining years of service necessary for a fire fighter, fire engineer, fire captain, fire battalion chief, and fire deputy chief to receive the rates of compensation provided for herein, services rendered prior to the effective date of this amendment shall be taken into account and given full credit.

H. FRINGE BENEFITS DEFINED.

As used herein, the term "fringe benefits" refers to all benefits other than salary, including but not limited to, retirement, holidays, vacations, medical benefits, and sick leave.

I. CONFLICTS WITH CHARTER.

In the event that a court of competent jurisdiction finds that any provision of this amendment is inconsistent with or in conflict with any other section of the San Diego City Charter adopted prior hereto, the provision of this amendment shall prevail.

J. SAVINGS CLAUSE.

If any provision of this amendment or its application to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to that end the provisions of this amendment are severable.

Section 2. The propositions shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in Section 4 of this ordinance.

Section 3. The polls for this special municipal election shall be open at 7 a.m. (local time) on November 4, 1980, and remain open continuously until 8 p.m. (local time) on the same day at which time the polls shall be closed, except as provided in Section 14301 of the Elections Code of the State of California.

Section 4. Since this election is being consolidated with the statewide general election and since the Board of Supervisors of the County of San Diego is hereby authorized to canvass returns of this election, and since only one form of ballot is authorized, the method of voting upon these propositions shall be as provided in the Elections Code of the State of California; and, on the ballots to be used at this special municipal election, in addition to any other matters required by law, there shall be printed substantially the following:

<p>PROPOSITION ____ . CITY OF SAN DIEGO CHARTER AMENDMENT. AMENDS SECTION 11.1 OF THE CHARTER OF THE CITY OF SAN DIEGO.</p>	<p>YES</p>	
<p>Extends the prohibition against unlawful delegation of the legislative responsibility to set compensation for City employees to any scheme or formula which seeks to fix the compensation to that of employees of any other public agency whose governing board is not elected by and not accountable to the people of the City of San Diego.</p>	<p>NO</p>	

<p>PROPOSITION _____. CITY OF SAN DIEGO CHARTER AMENDMENT. AMENDS SECTIONS 12.1 AND 24.1 OF THE CHARTER OF THE CITY OF SAN DIEGO.</p>	<p>YES</p>	
<p>Provides that each year the Salary Setting Commission shall recommend to the Council the enactment of an ordinance establishing the salary of the Mayor and Members of the Council for the following fiscal year instead of submitting recommendations every even year. The Council shall adopt the salaries as recommended by the Commission, or in some lesser amount, but in no event may it increase the amount.</p>	<p>NO</p>	

<p>PROPOSITION ____ . INITIATIVE MEASURE ADDING SECTION 130.5 TO THE CHARTER OF THE CITY OF SAN DIEGO.</p> <p>Establishes a formula to pay San Diego City fire fighters salaries equal to the average of salaries paid to fire fighters of the five largest cities in California other than San Diego. Each year the Civil Service Commission is required to survey the rates of compensation paid to fire fighters, fire engineers, fire captains, fire battalion chiefs and fire deputy chiefs in the five largest cities and certify to the City Council the average monthly salary, excluding fringe benefits, paid to these ranks.</p>	<p>YES</p>	
<p>Requires the City Council to fix minimum monthly rates of compensation paid to San Diego City fire fighters at least equal to the average salary for each rank as certified by the Civil Service Commission. The rates of compensation fixed shall be minimum rates and nothing in section would prevent the City from meeting and conferring with fire fighters' representatives to negotiate rates of compensation in excess of the minimum rates provided for.</p> <p>Provides for gradual adjustment of salaries over four years. The difference between San Diego City fire fighters' salaries and those of the surveyed cities shall be computed in 1981 and adjusted each fiscal year with 40 percent of the difference to be paid July 1, 1981 and 20 percent on each succeeding July 1 so that from and after July 1, 1984, San Diego City fire fighters shall be paid salaries at least equal to the average salaries for those ranks in the surveyed cities.</p>	<p>NO</p>	

Section 5. An appropriate mark placed in the voting square after the word "YES," shall be counted in favor of the adoption of the proposition. An appropriate mark placed in the voting square after the word "NO," in the manner hereinbefore provided, shall be counted against the adoption of the proposition.

Section 6. The special municipal election called for November 4, 1980 in the City of San Diego is hereby ordered consolidated with the statewide general election to be held on the same date. Within the City of San Diego the precincts, polling places and officers of the election for the special municipal election shall be the same as those provided for in the statewide general election.

Section 7. The Board of Supervisors of the County of San Diego is hereby authorized to canvass the returns of the special municipal election and these elections shall be held in all respects as if there were only one election, and within the City only one form of ballot shall be used. The Board of Supervisors shall certify the results of the canvass of the returns of this special municipal election to the Council of The City of San Diego which shall then declare the results of the election.

Section 8. The propositions submitted by this ordinance shall be designated on the ballot by a letter printed on the left margin of the square containing the description of the measure as provided in Section 10219 of the Elections Code of the State of California.

Section 9. Except as otherwise provided in this ordinance, the special municipal election shall be conducted as provided by law for other municipal elections of the City.

Section 10. The City Clerk shall cause this ordinance to be published once in the official newspaper. No other notice of the election need be given.

Section 11. Pursuant to Section 17 of the Charter, this ordinance relating to elections shall take effect on AUG 11 1980 , being the day of its introduction and passage.

APPROVED: JOHN W. WITT, City Attorney

By Stuart H. Swett
Stuart H. Swett
Chief Deputy City Attorney

SHS:rc:930.43
8/7/80
Or. Dept.: Council

Passed and adopted by the Council of The City of San Diego on AUG 11 1980
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By Ellen Board, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on AUG 11 1980, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

~~I FURTHER CERTIFY that the final reading of said ordinance was in full.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>045309</u>	Adopted <u>AUG 11 1980</u>