

ORDINANCE NUMBER O- 19431 (NEW SERIES)

ADOPTED ON OCT 31 2005

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 18 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.1801(b) AND AMENDING CHAPTER 2, ARTICLE 2 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 23 AND SECTIONS 22.2301, 22.2302, 22.2303, 22.2304, 22.2305, AND 22.2306, ALL RELATING TO THE CREATION OF THE OFFICE OF INDEPENDENT BUDGET ANALYST

WHEREAS, at a municipal election held on November 2, 2004, the voters of the City of San Diego approved Proposition F, thereby adding Article XV to the City Charter which changes the City's current Council-Manager form of government to a Mayor-Council form of government on a five-year trial basis beginning January 1, 2006; and

WHEREAS, Article XV, section 265(b)(15) of the City Charter provides that the Mayor shall annually propose a budget for submission to and approval by the City Council; and

WHEREAS, Article XV, section 270(f) of the City Charter provides that the City Council shall have the right to establish an Office of Independent Budget Analyst to be managed and controlled by an Independent Budget Analyst and to determine the powers of the Office of Independent Budget Analyst and its manager by ordinance; and

WHEREAS, the City Council now chooses to exercise the authority granted to it by the voters upon approving the new form of government, and does hereby create the Office of Independent Budget Analyst; NOW, THEREFORE,

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

Section 1. That Chapter 2, Article 2, Division 18, Section 22.1801(b) is hereby amended to read as follows:

§ 22.1801 City Departments

- (a) Purpose and Intent.

It is the purpose and intent of the City Council to enumerate the existing departments of the City because of repeated reference in City legislation and operation to such departments.

- (b) The following are the departments of the City of San Diego within the meaning of the Charter and ordinances of said City:

Auditor and Comptroller

Citizens Assistance and Information

City Attorney

City Clerk

City Council — District 1

City Council — District 2

City Council — District 3

City Council — District 4

City Council — District 5

City Council — District 6

City Council — District 7

City Council — District 8

City Manager

City Retirement
City Treasurer
Development Services Department
Engineering Department
Executive Services Department
Family Justice Center Department
Financial Management
Fire
General Services
Independent Budget Analyst
Intergovernmental Relations
Library
Mayor
Neighborhood Code Compliance
Park and Recreation
Personnel
Planning
Police
Purchasing
Real Estate Assets
Risk Management
Waste Management
Water Utilities

- (c) The department head for each department of City Council - Districts 1 through 8 shall be the duly elected and/or appointed Councilman or Councilwoman from the district.

Section 2. That Chapter 2, Article 2, of the San Diego Municipal Code is amended by adding a new Division 23, and new sections 22.2301, 22.2302, 22.2303, 22.2304, 22.2305, and 22.2306, to read as follows:

Division 23: Office of Independent Budget Analyst

§ 22.2301 Office of Independent Budget Analyst

There is hereby created the Office of Independent Budget Analyst, a City department whose designated function is to assist the City Council in the conduct of budgetary inquiries and in the making of budgetary decisions.

§ 22.2302 Independent Budget Analyst

- (a) The Independent Budget Analyst is the administrative head of the department and shall be appointed by majority vote of the City Council.
- (b) The City Council may remove the Independent Budget Analyst from office by a majority vote of the members of the City Council at any time, with or without cause.
- (c) The Independent Budget Analyst shall be the appointing authority of all City personnel authorized in the department through the normal annual budget and appropriation process of the City.

§ 22.2303 Qualifications of the Independent Budget Analyst

Appointees serving as Independent Budget Analyst shall have the professional qualifications of a college degree in finance, economics, business, or other

relevant field of study or a relevant professional certification. In addition, such appointees shall have experience in the area of municipal finance or substantially similar equivalent experience. No person shall be eligible to serve as the Independent Budget Analyst or a member of the staff of the Independent Budget Analyst who, during the previous eight years, has served on the staff of a City of San Diego Mayor or City Councilmember, or has been a registered lobbyist with the City of San Diego.

§ 22.2304 Duties of the Independent Budget Analyst

The duties of the Independent Budget Analyst shall include:

- (a) providing a formal, comprehensive review and analysis of the Mayor's proposed annual budget;
- (b) gathering, organizing, and analyzing data and information relative to budgetary issues;
- (c) providing comparative studies of other cities as they relate to municipal finance;
- (d) engaging in fiscal forecasting and planning, including developing means of financing long-range capital improvement programs;
- (e) analyzing the City's past, current, and proposed revenues and expenditures;
- (f) reviewing existing and potential tax revenues;
- (g) analyzing federal, state, and local programs to determine sources of funding and appropriate expenditure options;
- (h) reviewing the economic effects of proposed legislation;
- (i) constructing economic models and indices as directed by the City Council;

- (j) preparing fiscal and economic project analysis as directed by the City Council;
- (k) providing policy research and analysis on proposed legislation;
- (l) preparing such other reports relating to budgetary and legislative policy concerns as directed by the City Council; and
- (m) making recommendations to the City Council in connection with the analysis, studies, and reports described herein.

§ 22.2305 Budget

The City Council shall appropriate a reasonable budget for the Office of Independent Budget Analyst.

§ 22.2306 Conflict of Interest Code

A conflict of interest code shall be adopted for the Independent Budget Analyst and staff of the Independent Budget Analyst, subject to City Council approval. The Independent Budget Analyst and members of the staff of the Independent Budget Analyst shall be required to complete and file statements of economic interests in accordance with the conflict of interest code.

Section 3. The City Manager is directed to take those steps required to expeditiously establish the Office of Independent Budget Analyst as an independent department, including but not limited to, the following:

- a. Assist the City Council with regard to the selection process for a Independent Budget Analyst;

- b. Identify all staff positions to be assigned to the Office of Independent Budget Analyst and all City costs associated with the Office of Independent Budget Analyst;
- c. Identify suitable office space for the Office of Independent Budget Analyst; and
- d. Include the Office of Independent Budget Analyst in the Fiscal Year 2006 Manager's mid-year budget review.

Section 4. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 5. That this ordinance shall take effect and be in force on January 1, 2006.

Section 6. That this ordinance shall remain in effect for a period of five years (until December 31, 2010), at which time this ordinance shall be automatically repealed and removed from the San Diego Municipal Code. However, in the event that the people of the City of San Diego, at an election held prior to December of 2010, amend the City Charter to extend or make permanent the Mayor-Council form of government, and in so doing maintain the right of the City Council to appoint an Independent Budget Analyst, the provisions of this ordinance shall not be repealed but shall instead remain in full force to the same extent as allowed by the City Charter.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

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CMB:jab
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