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ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE SEP 14 2010

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7,
DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 27.0506, RELATING TO THE
PREPARATION OF THE FISCAL IMPACT ANALYSIS OF A
BALLOT MEASURE.

WHEREAS, the San Diego Municipal Code sets forth the procedure for the preparation of a fiscal impact analysis of a City of San Diego (City) ballot measure; and

WHEREAS, fiscal impact analyses are submitted to the San Diego City Clerk and published by the San Diego County Registrar of Voters with election materials; and

WHEREAS, the Municipal Code section that governs this procedure was added July 26, 1999 by Ordinance O-18664 N.S. and has not been amended since that date; and

WHEREAS, voters in the City of San Diego have since approved adding section 39.3 to the San Diego City Charter, which allows the Council to establish the Office of the Independent Budget Analyst, which “shall provide budgetary and policy analysis for the City Council”; and

WHEREAS, the office is managed and controlled by the Independent Budget Analyst, who is required by the City Charter to have certain professional qualifications and “experience in the area of municipal finance or substantially similar equivalent experience”; and

WHEREAS, the City Council has established the position of the Independent Budget Analyst in the San Diego Municipal Code; and

WHEREAS, Municipal Code section 22.2304 provides that among the Independent Budget Analyst’s duties are “gathering, organizing, and analyzing data and information relative to budgetary issues,” “providing comparative studies of other cities as they relate to municipal finance,” “analyzing the City’s past, current, and proposed revenues and expenditures,”

“reviewing the economic effects of proposed legislation,” and “providing policy research and analysis on proposed legislation”; and

WHEREAS, these duties already allow the Independent Budget Analyst to prepare the type of reports similar to a fiscal impact analysis for a proposed ballot measure and the Council now would like the Independent Budget Analyst to be involved in that process; and

WHEREAS, voters have also added section 39.2 to the San Diego City Charter since the procedure for preparing fiscal impact analyses was adopted, with the Charter section setting forth duties and responsibilities of a City Auditor; and

WHEREAS, the City Auditor shall be “a certified public accountant or certified internal auditor,” who will be given “access to, and authority to examine any and all records, documents, systems and files of the City and/or other property of any City department, office or agency, whether created by the Charter or otherwise,” and;

WHEREAS, the Council now would also like the City Auditor to have a role along with the Mayor (or his or her designee) and the Independent Budget Analyst in the process of preparing a fiscal impact analysis for a proposed ballot measure; NOW, THEREFORE,

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

Section 1. That Chapter 2, Article 7, Division 5 of the San Diego Municipal Code is amended by amending section 27.0506 to read:

§ 27.0506 Preparation of Fiscal Impact Analysis

- (a) Three people shall be involved in the preparation and filing of a fiscal impact analysis of a proposed legislative act: the Mayor, or his or her designee; the Independent Budget Analyst; and the City Auditor. The Independent Budget Analyst shall prepare a

draft of the fiscal impact analysis and provide it to the Mayor and City Auditor at least 10 calendar days prior to the City *Clerk's* filing deadline. If there is disagreement about the wording of the fiscal impact analysis, the decision of any two of the three designated parties (the Mayor, or his or her designee; the Independent Budget Analyst; and the City Auditor) shall prevail. The fiscal impact analysis shall be placed on file in the Office of the City *Clerk* by the Independent Budget Analyst no later than 5:00 p.m. on the date established in accordance with the City *Clerk's* administrative calendar for the *election* on the proposed legislative act.

- (b) The analysis shall not exceed 500 words in length.
- (c) The analysis shall include an estimate of the amount of any increase or decrease in revenues or costs to the City, or an option as to whether or not significant change in City finances would result if the proposed *measure* is adopted. If it is estimated that a *measure* would result in an increased cost to the City, the estimate shall be set out in boldface print in the *voter pamphlet*.
- (d) The fiscal impact analysis must reasonably inform the voters of the proposed *measure's* fiscal impact, if any, and be true, impartial and not argumentative.

- (e) The analysis shall be printed in the *voter pamphlet* preceding any arguments for and against the proposed legislative act.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Sharon B. Spivak
Sharon B. Spivak
Deputy City Attorney

SBS:CMB:jdf
06/08/10
07/12/10 Rev.
07/23/10 Cor. Copy
Or.Dept:Council-Frye

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 07 2010.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 9/14/10
(date)

[Signature]
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor