

RESOLUTION NUMBER R- 307737

DATE OF FINAL PASSAGE OCT 23 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ESTABLISHING TEN FUNDAMENTAL PRINCIPLES FOR AN EFFECTIVE, COOPERATIVE AND TRANSPARENT MAYOR-COUNCIL FORM OF GOVERNMENT IN THE CITY OF SAN DIEGO.

WHEREAS, since 1931, pursuant to the City Charter of the City of San Diego (Charter), the City of San Diego has operated under a governance structure known as the City Manager form of government; and

WHEREAS, on November 2, 2004, the voters of the City of San Diego voted to amend the Charter by adding Article XV which modified the City Manager form of governance for a trial period of five years to test implementation of a form of governance commonly referred to as a Mayor-Council form of government; and

WHEREAS, on June 8, 2010, the voters of the City of San Diego voted to continue the form of governance commonly referred to as the Mayor-Council form of government; and

WHEREAS, with the Mayor-Council form of government the voters of the City of San Diego also created the position of Independent Budget Analyst; and

WHEREAS, the Office of the Independent Budget Analyst reviews and provides budgetary and policy analysis for the Council, independent of the Mayor; and

WHEREAS, the Charter sets forth certain rights, powers, duties and responsibilities of the Mayor under the Mayor-Council form of government; and

WHEREAS, the Mayor is the chief executive officer of the City; and

WHEREAS, the Mayor supervises the administration of the affairs of the City except as otherwise specifically provided in the Charter and makes such recommendations to the Council concerning the affairs of the City as may seem to him desirable; and

WHEREAS, with the Mayor-Council form of government the voters of the City of San Diego did not add or subtract from the powers conferred upon the City Attorney in Charter sections 40 and 40.1, including the City Attorney's sole authority to prepare and approve all ordinances, resolutions, and contracts and that such ordinances, resolutions and contracts are not valid without City Attorney approval; and

WHEREAS, the Mayor shall keep the Council advised of the financial condition and future needs of the City; and

WHEREAS, the Council must approve a Salary Ordinance each year, fixing the salaries of all officers and employees of the City; and

WHEREAS, it is the role of the Mayor to propose to the Council the terms in the Salary Ordinance, which must be consistent with any existing Memoranda of Understanding between the City and its recognized employee organizations or otherwise in conformance with the Meyers-Milias-Brown Act (MMBA), City Council Policy 300-06, or any other legal requirements governing labor relations binding upon the City; and

WHEREAS, the MMBA provides that the legislative body of a public agency employer – like the City, or the agency's administrative officers or other representatives as designated by the legislative body or by law – must meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of the agency's recognized employee organizations, in an endeavor to reach agreement on matters within the scope of bargaining prior to arriving at a determination of policy or course of action; and

WHEREAS, it is the role of the Council to approve any memoranda of understanding with the City's recognized employee organizations concerning wages, hours, and other terms and conditions of employment; and

WHEREAS, each year, the Mayor must submit a proposed budget for the next fiscal year to the Council, which must approve the budget as submitted by the Mayor or modify the budget in whole or in part; and

WHEREAS, the Mayor shall cooperate fully with the Council and Office of the Independent Budget Analyst, including, but not limited to, supplying requested information concerning the budget process and fiscal condition of the City to the Council and the Office of Independent Budget Analyst; and

WHEREAS, the Mayor may prescribe such general rules and regulations as he may deem necessary or expedient for the general conduct of the administrative Departments; and

WHEREAS, on or before the 15th day of January of each year, the Mayor shall communicate by message to the Council a statement of the conditions and affairs of the City, including a report of the City's affairs for the previous fiscal year and make recommendations on such matters as he or she may deem expedient and proper; and

WHEREAS, subject to the Civil Service provisions of the Charter and except as otherwise provided in the Charter, the Mayor shall be responsible to the Council for the proper administration of all affairs of the City placed in his charge; and

WHEREAS, the Mayor and non-Mayoral officers of the City shall inform the Council of all material facts or significant developments relating to all matters under the jurisdiction of the Council as provided under the Charter except as may be otherwise controlled by the laws and regulations of the United States or the State of California; and

WHEREAS, the Mayor and all non-Mayoral officers shall comply promptly with all lawful requests for information by the Council; and

WHEREAS, the Council desires that the Mayor work in a timely, efficient and effective manner to carry out Council-initiated services, which include those services that are for the benefit of the City's constituents; and

WHEREAS, the Council or any Council committee may summon any city official or department head to provide information or answer a question of the Council or Council committee; and

WHEREAS, the Charter provides that all legislative powers of the City are vested, subject to the terms of the Charter and the Constitution of the State of California, in the Council, except for those legislative powers reserved by the Charter and the Constitution of the State; and

WHEREAS, subject to certain exceptions, the Mayor must approve or veto Council actions; and

WHEREAS, the Council may override a Mayoral veto with five votes until such time as a ninth Councilmember is seated at which time six votes of the Council would override a Mayoral veto; and

WHEREAS, the Council is empowered by the Charter to adopt an administrative code providing for the detailed powers and duties of the administrative offices and departments of the City Government, based upon the provisions of the Charter; and

WHEREAS, except as established by the provisions of the Charter, the Council may change, abolish, combine, and rearrange the departments, divisions and boards of the City Government provided for in said administrative code, but such ordinance creating, combining,

abolishing or decreasing the powers of any department, division or board shall require a vote of two-thirds of the members elected to the Council; and

WHEREAS, the Council may, by ordinance or resolution, require the Mayor to perform such other duties; and

WHEREAS, in recognition of the respective duties of the Mayor as the Chief Executive Officer of the City and the Council as the legislative and policy-setting body of the City under the City's Charter, the Council has identified certain principles that would ensure an effective, cooperative and transparent working environment between the executive and legislative branches; and

WHEREAS, the Statement of Budgetary Principles clarifies respective roles and sets guiding principles regarding budgetary authority, implementation and communication between the two branches following adoption of the City's annual budget; and

WHEREAS, the Structural Budget Deficit Principles, adopted by Council on February 22, 2010, by San Diego Resolution R-305615 (Mar. 2, 2010), are a compilation of best financial practices that have guided the executive and legislative branches over the last several years as the City worked to eliminate the City's structural budget deficit; and

WHEREAS, the Mid-Year Budget Authority Ordinance," adopted by Council on August 2, 2011, as San Diego Ordinance O-20084 (Aug. 4, 2011), establishes spending priorities while respecting the Mayor's obligation to balance City-wide priorities with available resources; requires the Mayor, in the event of a projected budget deficit or surplus at mid-year, to recommend changes to the City's adopted General Fund budget which the Council can adopt or revise; and requires the Mayor to provide written notification to the Council prior to making any significant reductions to programs or services provided to the community; and

WHEREAS, publicly reporting performance results for core City services periodically throughout the fiscal year assist in monitoring how tax dollars are being spent, determining whether goals are being achieved as originally intended, help identify if programmatic or policy changes are necessary, and communicating expectations and results of City programs and services to the public; and

WHEREAS, the Council desires that the Mayor effectively communicate with the Council, the IBA, and the City Attorney to ensure the Council has the information necessary to make well-informed decisions; and

WHEREAS, effective communication includes presentations by the Mayor or designated staff at Council or committee meetings, providing written reports and/or memoranda, and participating in briefings; and

Whereas, Council expects the Mayor himself or herself to personally participate in monthly Council meetings; and

WHEREAS, multi-year financial planning allows policymakers to make decisions within the greater context of the annual budget process and facilitates understanding whether the funding priorities in the Mayor's Proposed Budget are consistent with the City's short and long term priorities, funding obligations, and projected available resources; and

WHEREAS, if Council chooses to designate the Mayor as the City's Chief Labor Negotiator in negotiating with the City's labor organizations as required by the MMBA, it is vital the Mayor take direction from the Council, communicate and work cooperatively with the City Attorney, Independent Budget Analyst and Council, and include the Independent Budget Analyst and City Attorney in all labor negotiation processes; and

WHEREAS, adherence to these principles will facilitate the Mayor and Council carrying out its mandates under the Charter and more effectively meeting the needs of the City of San Diego residents; NOW, THEREFORE,

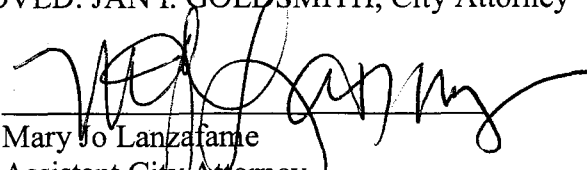
BE IT RESOLVED, that the Council of the City of San Diego adopts the following Ten Fundamental Principles for an Effective, Cooperative and Transparent Mayor-Council Form of Government in the City of San Diego:

1. Cooperate with the Council to create annually a “Statement of Budgetary Principles.”
2. Adhere to the “Structural Budget Deficit Principles” adopted by Council on February 22, 2010, by San Diego Resolution R-305615 (Mar. 2, 2010), to ensure the City maintains a structurally balanced budget.
3. Adhere to the “Mid-Year Budget Authority Ordinance” adopted by Council on August 2, 2011, as San Diego Ordinance O-20084 (Aug. 4, 2011).
4. Publicly report performance results and future goals for core City services. This information will be published annually in the Mayor’s Proposed and Final Budget; and beginning fiscal year 2015, annual performance reporting will be supplemented with quarterly reporting through the issuance of a stand-alone “City of San Diego Quarterly Performance Report” to the City Council, to also be made available on the City’s website.
5. Present to Council no later than November of each fiscal year a financial outlook that includes projected revenues and committed expenditures for a five-year outlook period.

6. Address the City's deferred capital backlog by implementing funded projects in a timely and cost effective manner and working with the Council to identify resources necessary to address remaining unfunded deferred capital as well as new infrastructure needs.
7. Work cooperatively and timely with the City Attorney, Independent Budget Analyst and Council to effectively carry out the City's labor relations policies and duties under State and local law if the Council chooses to designate the Mayor as the City's Chief Labor Negotiator.
8. Participate with Council in developing a Comprehensive City of San Diego Economic Development Strategy to ensure continued economic growth and prosperity for our community.
9. Communicate in a timely and effective manner with the Independent Budget Analyst, City Attorney and Council, including the Mayor personally participating in monthly Council meetings, to ensure that Council has the information it needs to make well-informed decisions and that City contracts conform to Charter and Municipal Code requirements.

10. Work cooperatively with Independent Budget Analyst, City Attorney Council Committees, and Council to efficiently carry out Council-initiated policy directives, services, including constituent services, and programs that have been included in the annual adopted budget.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Mary Jo Lanzafame
Assistant City Attorney

MJL:ccm
09/12/2012
10/16/2012 REV.
Or.Dept: Council District 4
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I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 15 2012.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 10-23-12
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

Passed by the Council of The City of San Diego on OCT 15 2012, by the following vote:

| Council Members | Yeas | Nays | Not Present | Ineligible |
|-----------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Sherri Lighter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Kevin Faulconer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Todd Gloria | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Anthony Young | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Carl DeMaio | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lorie Zapf | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marti Emerald | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| David Alvarez | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage OCT 23 2012

AUTHENTICATED BY:

(Seal)

JERRY SANDERS
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Deverson Cruz* Deputy

Office of the City Clerk, San Diego, California
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