

RESOLUTION NUMBER R- 315191

DATE OF FINAL PASSAGE NOV 06 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DIRECTING THE CITY ATTORNEY TO PREPARE A BALLOT TITLE AND SUMMARY AND AN IMPARTIAL ANALYSIS; DIRECTING THE MAYOR, INDEPENDENT BUDGET ANALYST, AND CITY AUDITOR TO PREPARE A FISCAL IMPACT ANALYSIS; AND ASSIGNING BALLOT ARGUMENTS, ALL REGARDING ONE MEASURE AMENDING THE SAN DIEGO CITY CHARTER, BY AMENDING ARTICLE V, BY AMENDING SECTION 40 AND ADDING SECTION 40.2, RELATING TO INDEPENDENT LEGAL COUNSEL FOR THE OFFICE OF THE CITY AUDITOR AND AUDIT COMMITTEE ON SPECIFIED CONDITIONS, TO BE SUBMITTED TO QUALIFIED VOTERS OF THE CITY OF SAN DIEGO AT THE MUNICIPAL SPECIAL ELECTION, CONSOLIDATED WITH THE CALIFORNIA STATE PRESIDENTIAL PRIMARY ELECTION TO BE HELD ON MARCH 5, 2024.

WHEREAS, San Diego Municipal Code (Municipal Code) section 27.0504 allows the Council of the City of San Diego (Council) to direct the City Attorney to prepare a ballot title and summary of any proposed ballot measure; and

WHEREAS, Municipal Code section 27.0505 allows the Council to direct the City Attorney to prepare an impartial analysis of any proposed ballot measure; and

WHEREAS, Municipal Code section 27.0506 directs the Independent Budget Analyst, working with the Mayor or designee and the City Auditor, to prepare a fiscal impact analysis of a proposed legislative act; and

WHEREAS, Municipal Code section 27.0513 allows the Council to assign to itself, individual Councilmembers, and the Mayor, the authorship and signing of a ballot argument in support of, or in opposition to, a ballot measure; and

WHEREAS, on November 6, 2023, the Council adopted San Diego Ordinance O- 21744, to place on the March 5, 2024, Municipal Special Election ballot, consolidated with the California State Presidential Primary Election, one measure amending the San Diego Charter (Charter), by amending Article V, by amending section 40 and by adding section 40.2, relating to independent legal counsel for the Office of the City Auditor and Audit Committee on specified conditions (proposed Charter amendment); and

WHEREAS, following the Council Policy 000-21 process, in May 2020, the City Auditor presented the proposed Charter amendment to the Council's Rules Committee, after a presentation to the Audit Committee in February 2020; and

WHEREAS, the City Auditor's proposed Charter amendment allows the Office of the City Auditor to use legal counsel, independent of the Office of the City Attorney, in certain circumstances; and

WHEREAS, in 2020, the Audit Committee and the Council's Rules Committee supported the proposed Charter amendment, but the Council was unable to timely complete the process required by the Meyers-Milias-Brown Act (MMBA), California's collective bargaining law applicable to the City as a public agency employer, before the November 2020 election; and

WHEREAS, on February 16, 2022, the Rules Committee voted to advance the proposed Charter amendment to the Council to reauthorize the meet and confer process and to modify the proposed Charter amendment to vest with the Audit Committee the authority to deem independent legal counsel for the City Auditor in the "public interest," as that term is defined by generally accepted government auditing standards promulgated by the United States Government Accountability Office or successor agency; and

WHEREAS, on April 25, 2022, by San Diego Resolution R-314078 (May 10, 2022), the Council directed the City's Management Team for labor relations to provide notice and

opportunity to negotiate bargainable matters identified in the proposed Charter amendment, in accordance with the MMBA; and

WHEREAS, by San Diego Resolution R-314981 (June 28, 2023), the Council approved an agreement between the City and the Deputy City Attorneys Association, memorializing the completion of the meet and confer process related to the proposed Charter amendment and acknowledging that the Council, within its discretion, may take any and all further actions necessary to place the proposed Charter amendment before City voters at the March 2024 election or at some later election, as determined by the Council; and

WHEREAS, by San Diego Resolution R-314982 (June 28, 2023), the Council approved an agreement between the City and the San Diego Municipal Employees Association, memorializing the completion of the meet and confer process related to the proposed Charter amendment and acknowledging that the Council, within its discretion, may take any and all further actions necessary to place the proposed Charter amendment before City voters at the March 2024 election or at some later election, as determined by the Council; and

WHEREAS, the Council has determined to place the proposed Charter amendment before voters and now wishes to assign the matters related to the measure; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; and

WHEREAS, pursuant to San Diego City Charter section 295(d), this resolution relating to matters to submit to City voters at a Municipal Special Election is not subject to veto by the Mayor, and thus the date of its passage by the Council shall be deemed the date of final passage; NOW, THEREFORE,

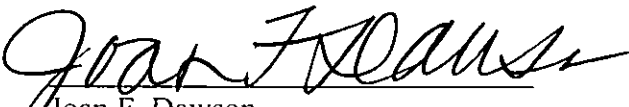
BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. The City Attorney is directed to prepare a ballot title and summary, and an impartial analysis, of the proposed Charter amendment for inclusion in the voter pamphlet and to deliver the ballot title and summary, and the impartial analysis, to the Office of the City Clerk, Elections Section, no later than December 11, 2023.

2. The Independent Budget Analyst, working with the Mayor (or the Mayor's designee) and the City Auditor, is directed to prepare a fiscal impact analysis of the proposed Charter amendment for inclusion in the voter pamphlet and to deliver the analysis to the Office of the City Clerk, Elections Section, no later than December 11, 2023.

3. The Council authorizes Councilmember Vivian Moreno to sign and file a written ballot argument in favor of the proposed Charter amendment for inclusion in the voter pamphlet. The ballot argument must be delivered to the Office of the City Clerk, Elections Section, no later than December 13, 2023.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Joan F. Dawson
Deputy City Attorney

JFD:cm

October 20, 2023

November 2, 2023 COR. COPY

November 7, 2023 COR. COPY 2

Or.Dept: Office of the City Auditor

Doc. No. 3452299_3

Passed by the Council of The City of San Diego on NOV 06 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 06 2023

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

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