

**CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK
MEMORANDUM
(619) 533-4000**

DATE: January 8, 2010
TO: Whitney Benzian, Rules Committee Consultant
FROM: Elizabeth Maland, City Clerk
SUBJECT: Ballot Proposals for Rules Committee Review

Attached are the 10 ballot proposals filed in my office pursuant to Council Policy 000-21 for the submission of ballot proposals to be reviewed by the Rules Committee for possible placement on the ballot.

The Clerk's Office has established a January 8, 2010 deadline for submitting such ballot proposals for the June 2010 ballot, and anticipates that the Rules Committee will review such proposals at its January 13, 2010 meeting. Ballot proposals which are referred to the full City Council after Rules Committee review will be listed under Public Notice on January 25, 2010 and docketed for consideration by Council on February 1, 2010.


Elizabeth Maland
City Clerk

Attachments

cc: Diana JuradoSainz, Legislative Coordinator



RECEIVED
CITY CLERK'S OFFICE
10 JAN -5 PM 3:52
SAN DIEGO, CALIF.

City of San Diego

CARL DEMAIO
CITY COUNCILMEMBER -DISTRICT 5

DONNA FRYE
CITY COUNCILMEMBER -DISTRICT 6

MEMORANDUM

DATE: January 4, 2010

TO: Council President Ben Hueso

City Clerk Liz Maland

FROM: Councilmember Donna Frye

Councilmember Carl DeMaio

Donna Frye
Carl DeMaio

RE: Amending the City Charter to Facilitate Pension Reform

In accordance with Council Policy relating to the proposal of ballot measures, we hereby submit for docketing at the Rules Committee the attached amendment to the City Charter relating to the process for implementing changes in city retirement and pension benefits.

We propose to strike language in Section 143.1 that restricts the Mayor and City Council's ability to implement pension reforms. Under the current wording of this Charter section, city employees can exercise an effective veto over any changes to retirement benefits – even if the changes relate to benefits that are not “vested” and even if the Mayor and City Council properly imposes the changes in accordance with state labor laws.

As this ballot measure will require meet and confer before the City Council could submit it to the voters, we request that the item be docketed as soon as possible.

CC: Honorable Mayor and City Councilmembers
City Attorney

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JAN -6 AM 9:52
SAN DIEGO, CALIF.

Proposed Pension Reform Language for the City Charter

Section 143.1: Approval of Retirement System Benefit

(a) No ordinance amending the retirement system which affects the benefits of any employee under such retirement system shall be adopted until any applicable state requirements for negotiations with affected labor organizations have been satisfied. ~~without the approval of a majority vote of the members of said system.~~ No ordinance amending the retirement system which increases the benefits of any employee, legislative officer or elected official under such retirement system, with the exception of Cost of Living Adjustments, shall be adopted without the approval of a majority of those qualified electors voting on the matter. No ordinance amending the retirement system which affects the vested defined benefits of any retiree of such retirement system shall be adopted without the approval of a majority vote of the affected retirees of said retirement system.

(b) Prior to any proposed amendment of the retirement system which increases benefits of any employee, legislative officer or elected official under such retirement system being placed on the ballot, the retirement system shall prepare an actuarial study of the cost due to the benefit changes proposed based upon the amortization schedules established by Charter Section 143. A summary of the actuarial study shall be published in the ballot pamphlet.

(c) Nothing in subsection (a) of this section shall prevent City officials from negotiating tentative agreements with employee organizations incorporating benefit changes to the extent permitted by state law, provided, however that no amendment of the retirement system which increases benefits, with the exception of the Cost of Living Adjustments, of any employee, legislative officer or elected official under such retirement system, shall become binding or effective until approved by a majority of those qualified electors voting on the matter, and shall not have any force or effect if rejected by said voters. The City Council shall have no authority to enter into final or binding agreements regarding retirement system benefit increases until and unless those increases to retirement system benefits are approved by a majority of those qualified electors voting on the matter.

(d) The requirement for voter approval of retirement system benefit increases shall become operative on January 1, 2007, for all proposed increases in retirement system benefits tentatively agreed upon by the City on or after that date. This requirement shall remain in effect for a period of fifteen (15) years from that date, at which time this requirement shall be automatically repealed and removed from the Charter.

Office of
The City Attorney
City of San Diego

MEMORANDUM
MS 59

(619) 236-6220

RECEIVED
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10 JAN -7 PM 3:05

SAN DIEGO, CALIF.

DATE: January 6, 2010
TO: Elizabeth Maland, City Clerk
FROM: Jan Goldsmith, City Attorney
SUBJECT: Submission of a Ballot Proposal to Amend the San Diego City Charter to Provide for a Change to the Limitations and Credits for Veterans' Preference Points Provided Under the Civil Service System.

Council Policy 000-21 [Policy] provides procedures through which members of the public and independent department heads may submit ballot proposals to the City Council for consideration. In conformance with this Policy, the City Attorney submits this ballot proposal to the City Clerk. The proposed measure, which is attached, seeks voter approval to amend the San Diego City Charter section 120 to provide for a change to the limitations and credits for veterans' preference points provided under the Civil Service System.

Council Policy 000-21 contemplates an independent department director submitting a 1472 and including a "proposed resolution directing the City Attorney to prepare appropriate ballot language for the proposal." Because the proposals are being submitted directly by the City Attorney, this procedure does not appear to apply to this office. For this reason, we have submitted with this memorandum a draft ordinance and the appropriate ballot language necessary to place the measure on the ballot. Accordingly, please promptly transmit the attached ballot proposal to the Rules Committee consultant, as required by Council Policy 000-21, for placement on the Rules Committee meeting agenda. We will coordinate with the Rules Committee consultant if any additional information is required. We appreciate your assistance with respect to this matter.

JAN I. GOLDSMITH, City Attorney

By *Sharon Marshall*

Jan I. Goldsmith
City Attorney

JIG:SAM:cfq
Enclosures

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10 JAN -7 PM 3:04

SAN DIEGO, CALIF.

PROPOSITION
ARTICLE VIII
CIVIL SERVICE

Section 120: Limitations and Credits

No question in any test shall relate to race, or to political or religious opinions, affiliations or service, and no appointment, transfer, layoff, promotion, reduction, suspension or removal shall be affected or influenced by race or such opinions, affiliations or service. In all original examinations the Civil Service Commission shall in addition to all other credits, give a credit of five per cent of the total credits specified for such examinations to all those who have attained a passing grade in the examination and who have served in any branch of the United States Armed Forces during any war, major military action, or peacekeeping mission period of time in which a Federal act of conscription was in effect and who have been honorably discharged from active service, provided that This credit is granted to each applicant only upon the first employment after discharge from service, and is not granted to applicants retired from the service on full pensions. The spouse of any veteran who, while in such service, was physically or mentally incapacitated so as to prevent employment in any remunerative occupation, and also the surviving spouse of any veteran killed or who died while in such service, shall receive a credit of five per cent upon the first employment after such veteran's discharge or death. An additional five per cent credit, or a total of ten per cent credit shall be awarded to any veteran or the spouse of any veteran who meets the above criteria and has a service related disability of at least fifteen per cent which has been duly established by Federal law.

J. W. STUMP
4133 Poplar
City Heights, California 92105
jwstump@cox.net

RECEIVED
CITY CLERK'S OFFICE
09 DEC 21 PM 4:50
SAN DIEGO, CALIF.

Monday, December 21, 2009

Ms. Elizabeth Maland, City Clerk
City of San Diego
202 C Street, Second Floor
San Diego California 92101

RE: Ballot Proposals for Charter Change -- Zoological Exhibit Tax., Board of Education Modernization,
and others

Dear Ms. Maland,

I again submit for City Council review and consideration proposals for amendment of the San Diego City Charter. In substance, these proposals have been under consideration by the Council and Mayor in the past. During the last submission cycle, the Rules Committee determined the proposals concerning "public Records costs and employee truthfulness" could be accomplished by policy and ordinance actions, the proposal to set Council compensation at the same level as most San Diego family's income was rejected, and the proposal for modernizing the election processes for the San Diego City School Board was to be returned to the Rules Committee for further discussion.

A past proposal made through your office, concerning Charter Section 77a -- Zoological Exhibit Taxes was scheduled for review by Rules Committee consideration by Mayor Murphy, who resigned.

Zoological Exhibit Tax

During the early part of the last century, the people of San Diego elected to support the establishment of Zoological exhibits in Balboa Park. The first ballot measure began the collection of property taxes to support generic zoological exhibits and a second subsequent measure allowed the City Council to contract out for this zoological exhibit support. Overtime the amount of taxes collected for this support has significantly increased in dollar amount and percentage. Charter section 77a provides as follows:

"Section 77a: Provisions for Zoological Exhibits

The Council shall levy annually, in addition to all other taxes provided for in this Charter, not less than two cents (\$0.02) on each one hundred dollars (\$100.00) of the assessed valuation of the real and personal property within the City, to be used exclusively for the maintenance in Balboa Park of zoological exhibits.

Whenever the Council deems it to be for the best interests of the City, the Council may enter into a contract, upon such terms and conditions as the Council may prescribe, for the maintenance in Balboa Park of zoological exhibits, with any organization formed primarily for the purposes of maintaining zoological gardens and zoological exhibits and conducting general zoological work; and may make available to such organization the proceeds of the special tax levy provided for in this section.

(Addition voted 11-06-1934; effective 01-21-1935.)

(Amendment voted 04-22-1941; effective 05-08-1941.)"

proceeds of the special tax levy provided for in this section.”

Passage of this amendment would allow the City Council to preserve the quality and character of Balboa Park and to support priority needs in Balboa Park, on a performance basis. The Zoo would not be precluded from some funding.

OTHER CHARTER CHANGES.

I hereby resubmit the Charter changes on file with the City Clerk. I am primarily concerned with the proposal to modernize the election processes for San Diego City Schools. I feel that the election of the School Board is at least as important a matter as the election of City Council. I will not need lengthy additional hearings on the other charter change matters unless there are similar competing subject matter charter changes

I feel that circumstances have changed since the City voters established a separate school Board. The make up and number of school board members has not kept pace with the city's growth and priorities. Too many of the current schools operated by the City schools are failing to meet California and national achievement standards. Unless the City of San Diego has complete and success oriented schools local, economic development efforts and career opportunities for youth will be held back.

Please keep me informed of the hearing schedule on these matters.

All the best

John Stump:

Copy: The Honorable Mayor Jerry Sanders and Honorable City Attorney

Please accept Charter Changes for consideration by Council

Eminent Domain only for public needs, No taking to transfer to private persons

The City Charter limits the eminent domain powers of the Council to allow the taking of private property "for public use" The Courts have extended the Council's powers to allow the Council to take private property for transfer to private persons. The Charter should be reformed to eliminate this Courts created loophole. The Charter should be reformed to close the eminent domain loophole as follows:

The Mayor and Council are prohibited from participating in eminent domain takings to transfer property to private persons.

Increase City Transparency for Public; Employees must be truthful

The City Charter provides that the records of the City shall be open to inspection by any citizen at all reasonable times and under reasonable regulations. Unfortunately, public access to documents is more restrictive and difficult than the Charter provides. The City charges more for copies than either the law or competitive market provides. A Charter City should have a more transparent government than the minimum compliance provided by the State. The Charter should be reformed to increase public access as follows:

The Council shall establish, by ordinance, rules, regulation, and procedures, which are the best management practices for public transparency and record access. Such ordinance shall provide for costs comparable with the private market or the actual cost of copying, which ever is less. Employees, who intentionally provide false testimony to Council, false information to the public, or delay public access shall be subject to disciplinary action including dismissal from employment.

The School Board must be as committed and responsible as the City Council

The San Diego City Charter controls the election process for San Diego City schools. City schools are the third largest local government in the region yet it has a part-time board with less representation than the City Council. I request the School Board be elected to responsible full time professional duties like the Council.

San Diego City council was formerly elected city wide and compensated on a part time basis. The voters changed the election method to district elections, made the job full-time and increased compensation; because they wanted a more responsive and better quality of elected officials focused solely on City business. Our children and our future deserve as much time and commitment...

The section of the San Diego City charter that controls City schools should be amended to accomplish the following:

The Board of Education shall be elected in the same manner as City Council members. The number and terms of the members of the Board shall be the same as City Council. School Board compensation shall be set at the same level as members of the City Council.

Council pay shall not be better than the people City of San Diego.

The current Charter provides for a full time Council with an annual salary of \$75,358 /per year & generous fringe benefits. The Council is paid more than the majority of San Diego's. The Council makes more than \$15,000 or more than 25% more than the Median income for the people of San Diego.

The high salaries are tied to the amount paid to other California City Councils rather than performance or the result of accomplishments. The idea is that if you pay competitive salaries you will attract the best and the brightest to government. Has great compensation given us great leaders? . A leaders pay should be tied to his performance.

My suggestion is that Council Compensation should be tied to the San Diego Area median income. Council would be paid the same as the majority of San Diegans. Council would get a raise when the majority of San Diegans did better. The Charter should be amended to add:

In no case shall the Council salary be greater than the median income for the people City of San Diego.

Section 220: Eminent Domain

The Council shall have power to acquire by eminent domain proceedings such property as may be needed for public use.

Section 216: Copies of Records

Copies or extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same who shall be charged for such copies or extracts, and for certification, the charge to be fixed by the Council.

Section 12.1: Councilmanic Salaries

On or before February 15 of every even 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 period commencing July 1 of that even year and ending two years thereafter. The Council may 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.

(Addition voted 11-06-1973; effective 12-07-1973.)

Section 66: Board of Education

The government of the San Diego Unified School District shall be vested in a Board of Education, composed of five members who shall be nominated and elected at the regular municipal primary elections and the general municipal elections at the same time as the election of Council members. At the municipal primary election there shall be chosen by the registered voters of each Board of Education District two candidates for the office of any Board of Education member from a District whose term expires the succeeding December. At the general municipal election the registered voters of the whole San Diego Unified School District shall select from among the candidates chosen at the primary election in each district one candidate for the office of each Board of Education member whose term expires the succeeding December. Each candidate for the Board of Education shall have been a registered voter of the San Diego Unified School District and an actual resident of the election district from which he seeks to be nominated for thirty (30) days immediately preceding filing of a nominating petition.

The members shall serve for a term of four years from and after 10 a.m. the first Monday after the first day of December next succeeding this election and until their successors are elected and qualified, except as herein provided. Any vacancy occurring in the Board shall be filled from the election district in which the vacancy occurs by appointment by the remaining Board members; but in the event that said remaining members fail to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, they must immediately cause to be held a primary election in the district in which the vacancy occurs and a general election within the entire school district to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

For the purpose of electing members of the Board of Education, the San Diego Unified School District shall be divided into five (5) districts as nearly equal in voter population as practicable. For the first primary and regular election held under this section, as amended, the boundaries of such election districts shall be established by the Board of Education as such Board existed on the effective date of the amendment to this section. Thereafter, the boundaries of such election districts shall be subject to alteration and change under the provisions of this section. The Board of Education, by resolution, may change and alter the boundaries of the election districts and in the resolution may describe the new boundaries by reference to a map on file in the office of the City Clerk; a metes and bounds description of the new boundaries need not be contained in said resolution.

(Amendment voted 03-28-1939; effective 04-24-1939.) (Amendment voted 04-21-1953; effective 05-29-1953.) (Amendment voted 11-04-1958; effective 02-19-1959.) (Amendment voted 11-06-1962; effective 01-21-1963.) (Amendment voted 11-03-1964; effective 01-21-1965.) (Amendment voted 11-04-1969; effective 01-29-1970.) (Amendment voted 11-06-1979; effective 12-17-1979.)

Section 67: Powers and Duties

The powers and duties of the Board of Education shall be such as are now, or may hereafter be conferred upon such boards by the laws of the State of California.

McNair, Rae

RECEIVED
CITY CLERK'S OFFICE

From: norma damashek [ndamashek@ucsd.edu]
Sent: Thursday, January 07, 2010 4:20 PM
To: CLK City Clerk
Cc: SDAT City Attorney; Hueso, Council President Ben; Faulconer, Council Member Kevin; Councilmember Todd Gloria; donna frye
Subject: Proposed Charter Amendments June 2010
Attachments: 6-10ballot recommendations rules.doc

10 JAN -8 AM 9:37

SAN DIEGO, CALIF.

San Diego League of Women Voters

MEMORANDUM

Date: January 7, 2010
To: San Diego City Clerk
From: San Diego League of Women Voters
Subject: Mayor-Council / Council-Manager Form of Government on June 2010 Ballot

Dear Ms Maland,

On behalf of the San Diego League of Women Voters (LWV), I am requesting that you forward the following ballot proposals and comments to the Rules Committee consultant for inclusion on the January 13, 2010 Rules Committee meeting agenda for review and action by the Committee.

The LWV is offering these recommendations for the June 2010 ballot based on League standards of good government: Responsiveness/ Accountability/ Balance of Powers/ Openness/ Honesty/ Efficiency/ Citizen Participation. *Public benefit* is our sole criterion.

Norma Damashek, President, San Diego League of Women Voters

ndamashek@ucsd.edu

858-459-8751

cc: San Diego City Council via City Clerk

San Diego League of Women Voters

MEMORANDUM

Date: January 7, 2010
To: San Diego City Clerk
From: San Diego League of Women Voters
Subject: Mayor-Council / Council-Manager Form of Government on June 2010 Ballot

Dear Ms Maland,

On behalf of the San Diego League of Women Voters (LWV), I am requesting that you forward the following ballot proposals and comments to the Rules Committee consultant for inclusion on the January 13, 2010 Rules Committee meeting agenda for review and action by the Committee.

The LWV is offering these recommendations for the June 2010 ballot based on League standards of good government: Responsiveness/ Accountability/ Balance of Powers/ Openness/ Honesty/ Efficiency/ Citizen Participation. *Public benefit* is our sole criterion.

Norma Damashek, President, San Diego League of Women Voters ndamashek@ucsd.edu 858-459-8751

Recommendation #1

The LWV strongly recommends that any and all proposed amendments and/or "clean-up" to the City Charter be presented to voters on the June 2010 ballot in an interlineated, fully integrated format, using strikeouts and insertions to promote efficiency, clarity, and full disclosure to voters.

Rationale: This is standard operating procedure for amending the California Constitution and should equally apply to Charter amendments in the city of San Diego. It would be a public disservice and greatly increase costs to the city to defer Charter "clean-up" or other changes related to the form of city government to the November 2010 ballot.

Recommendation #2

BALLOT PROPOSITION: to amend the City Charter to extend the Mayor-Council form of government for an additional five (5) year trial period.

Rationale: The LWV recommends a Charter amendment on the June 2010 ballot that gives the public the choice to extend the trial period of the Mayor-Council form of government for five years. This will provide the public with the fairest, most impartial opportunity to be informed before coming to a final decision about which kind of government works best in San Diego.

- * An extension would make no changes for the time being. It simply maintains the status quo.
- * An extension would allow voters to gain a wider perspective and be able to judge the *system* rather than the political styles and personalities of a single administration term. The public needs the opportunity to judge how the Mayor-Council systems would work under a new set of leaders and in a less chaotic economic setting.
- * Extending the trial period conforms to the terms of the original proposition (F) that set up the city's experiment with a Mayor-Council government.
- * To promote good decision-making, the LWV strongly recommends the creation of a Council-appointed Citizens Charter Review Commission to work alongside the public to monitor progress throughout the extended trial period and make recommendations based on public input.

Recommendation #3

BALLOT PROPOSITION: to amend the City Charter to permanently replace our Council-Manager form of government with a Mayor-Council form of government, including underlined provisions:

- a) Increase the number of City Council districts from 8 to 9 in conjunction with the next city redistricting process after the national census in 2010
- b) Increase the number of Council votes needed to override the mayor's veto to 2/3 of the nine-member Council, after the 9th Council seat is filled by election
- c) The Mayor shall cooperate fully with the Council and the Office of 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 the Independent Budget Analyst in a truthful and timely manner, to be defined through Council policy and ordinance
- d) The City Council shall be invested with authority to ... [categories for Council consideration: reinstate Council authority over the Planning Division /appoint boards and commissions that are advisory to the legislative branch /appoint Council Members to boards and commissions /union contract negotiations /other...]

Rationale: The LWV recommends the insertion of additional provisions into the Mayor-Council ballot measure required by Proposition B (2008) to improve the balance of powers between the executive and legislative branches of government.

* Prop B requires the City Council to present three Charter changes on the June 2010 ballot: to make the "Strong Mayor" form of government permanent; to add a 9th Council district; and to increase the number of Council votes required to override a mayoral veto to a 2/3 majority.

* Nothing in Prop B appears to prevent the City Council from adding related provisions to the ballot measure. If deemed otherwise, a separate ballot measure would be necessary to address public concerns about the need for a more productive and democratic balance between the Council and Mayor.

Recommendation #4

BALLOT PROPOSITION: to amend the City Charter to add a preamble that describes the purpose and intent of the Charter.

Rationale: The LWV recommends the creation of a preamble to the City Charter to inform the public, as well as city officials, about the purpose and intent of the Charter, the city's constitution. We offer two examples for your consideration, one from San Francisco and the other from Seattle:

"In order to obtain the full benefit of home rule granted by the Constitution of the State of California; to improve the quality of urban life; to encourage the participation of all persons and all sectors in the affairs of the City and County; to enable municipal government to meet the needs of the people effectively and efficiently; to provide for accountability and ethics in public service; to foster social harmony and cohesion; and to assure equality of opportunity for every resident: We, the people of the City and County of San Francisco, ordain and establish this Charter as the fundamental law of the City and County. "

"Under authority conferred by the Constitution of the State of Washington, the People of the City of Seattle enact this Charter as the Law of the City for the purpose of protecting and enhancing the health, safety, environment, and general welfare of the people; to enable municipal government to provide services and meet the needs of the people efficiently; to allow fair and equitable participation of all persons in the affairs of the City; to provide for transparency, accountability, and ethics in governance and civil service; to foster fiscal responsibility; to promote prosperity and to meet the broad needs for a healthy, growing City."