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March 3, 2011

REPORT TO THE COMMITTEE ON RULES, OPEN GOVERNMENT AND INTERGOVERNMENTAL RELATIONS

REVISIONS TO THE COUNCIL ADMINISTRATION DIVISION TO UPDATE REFERENCES FROM "DEPUTY MAYOR" TO "COUNCIL PRESIDENT"

INTRODUCTION

At the Council President's request, our Office has prepared an amendment to the San Diego Municipal Code to update provisions regarding the Council Administration Division. The revisions are necessary to conform to recent City Charter changes and reflect current practices. The amendment places the Council Administration Division under the direction of the Council President instead of the Deputy Mayor, an office that no longer exists.

DISCUSSION

Until January 1, 2006, the City of San Diego operated under a Manager-Council form of government. Under that structure, the nine-member Council consisted of the Mayor and eight Councilmembers. The Mayor presided over the Council meetings and performed other duties prescribed by the Charter or imposed by the Council, consistent with the office of the Mayor. (*See*, former Charter § 24).

Each year, the Council selected one of its members to be the Deputy Mayor, who would perform the duties of the Mayor when the Mayor was absent or unable to perform his or her duties. (*See,* former Charter § 25). The Deputy Mayor also was responsible for the administrative and policy direction of the Council Administration Division. SDMC § 22.2101. This Division is responsible for coordinating the administrative functions of the City Council and the Council offices. The Division also provides committee consultants to the standing committees of the Council.

On January 1, 2006, the City began a five-year trial "Strong Mayor" form of government, also known as a Mayor-Council form of government. Under this structure, the Mayor no longer is a member of the Council. Instead, the Mayor is the chief executive officer and oversees the City's administrative affairs. The Mayor also has the authority to approve or veto most of the resolutions and ordinances passed by the Council. Charter section 25, providing for a Deputy Mayor, was deemed inoperative during the trial period of this form of government. (*See,* former Charter § 260.)

Under the Mayor-Council government, the Council is separate from the Mayor. It consists of the eight Councilmembers, one of whom serves as Council President. The Council President presides over Council meetings, manages the docket process, and has other duties prescribed by the Charter and the Council. Charter § 270. After the Charter provision authorizing a Deputy Mayor was deemed inoperative, the Council President assumed responsibility for the Council Administration Division.

At the June 8, 2010 election, City voters approved the continuation of the Mayor-Council form of government past the five-year trial period. As part of the approval, the voters repealed Charter section 25 related to the Deputy Mayor. Accordingly, the references to the Deputy Mayor in the Council Administration Division of the Municipal Code must be removed to conform to the Charter.

CONCLUSION

The Municipal Code provisions related to the Council Administration Division require amendment to conform to changes in the Charter and current practice. Our Office has attached a draft strike-out version of the revisions. An ordinance will be prepared for the Council's consideration when the matter is referred by this Committee.

Respectfully submitted,

JAN I. GOLDSMITH, City Attorney

By Catherine M. Bradley
Catherine M. Bradley
Chief Deputy City Attorney

CMB:sc
Attachment
RC-2011-13

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~
NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 21 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.2101 RELATING TO THE COUNCIL ADMINISTRATION DIVISION.

§22.2101 Council Administration Division

(a) There is hereby established a Division of Council Administration as a support element to the ~~Deputy Mayor~~ Council President. The division shall be under the administrative and policy direction of the ~~Deputy Mayor~~ Council President and shall be responsible for coordinating all the intragovernmental and intergovernmental administrative functions of the City Council and the several departments thereof. ~~The division shall provide coordination and liaison as directed by the Deputy Mayor and the~~ The personnel of such division ~~as may be authorized by virtue of the annual appropriation ordinance~~ shall be reflected in the budget of the ~~Deputy Mayor~~ City Council and as may be authorized by the annual appropriation ordinance.

(b) The division shall provide committee consultants from the committee consultant program to the standing committees of the Council other than the Committee on Rules, ~~Finance~~ Open Government and Intergovernmental Relations.

03/02/11