



---

## OFFICE OF THE CITY CLERK

---

# REPORT

---

### REPORT TO THE CHARTER REVIEW COMMITTEE

**DATE:** January 8, 2015

**REPORT NO.:** 15-01

**SUBJECT:** History of City of San Diego Charter Updates Since 1931

#### **BACKGROUND**

San Diego's first Charter was granted by the California Legislature in 1850 when the city's population was just 650. This first attempt at local government lasted two (2) years. In 1852 the Legislature revoked the Charter and created a new governing board to carry out the sole task of liquidating the City's debts. It was not until 1872 that another special legislative act recreated city government in San Diego. And later, in 1889, under provisions of the California Constitution, the City drafted and adopted a freeholders Charter which provided the framework for municipal government.

The 1889 Charter was amended a number of times to provide for differing forms of government as the City's population grew. Even with these amendments, however, the 1889 Charter remained the source of municipal law for the City of San Diego.

In April of 1929 a 15 member Board of Freeholders was elected and convened with the express purpose of re-writing the City's Charter at the recommendation of a Citizen Charter Study Committee. The 1889 Charter was seen as too detailed and out-of-touch with the needs of a growing modern city. The 1929 Charter was put to a vote of the people on December 19, 1929, and it failed with a vote of 14,316 (no) to 8,742 (Yes).

Nicholas Martin, one of the 1929 Freeholders, felt that the reason for the failure was twofold:

1. The Harbor Commission would have been placed under the control and direction of the City Manager, giving the City Manager far too much power in many people's minds;
2. The Fire and Police Retirement Fund would have been set up on an actuarially sound basis. (*Source: interview with Nicholas Martin, 1930*).

Thus, in 1930 a new fifteen-member Board of Freeholders was elected by the people. The timeframe for this effort was truncated since the Charter had to be completed in time to be ratified by the 1931 legislature – otherwise San Diego would have to wait another two years for a functioning Charter.

This new Board of Freeholders sought to focus on the areas that had been the source of the largest disagreement in 1929, including:

1. Type of Government

Strong Mayor v. Mayor-Council v. Council-Manager

Ultimately the 1931 Charter embraced a Council-Manager form of government.

Many were still not pleased with this, as it appeared to give the City Manager far too much power, but some changes to the 1929 proposal sought to balance the opposition:

- The Manager could be removed by a majority Council vote;
- Civil Service retained much of the power over city employees.

2. The Election of Councilmembers

There was much debate over whether Councilmembers should be nominated and elected at large v. allowing for district input (whether through nomination, election or both).

Ultimately the 1931 Charter had the six (6) Councilmembers nominated by district and elected at large. The Mayor was to be nominated and elected at large.

This is an issue that would resurface throughout the years.

3. Commissions

At this time in San Diego's history, Commissions were administrative. The Harbor Commission and Civil Service Commission, for example, had a significant amount of power and independence. There was much discussion about making Commissions more advisory in nature.

The 1931 Charter allowed two of the more powerful Commissions, the Harbor Commission and the Civil Service Commission, to retain their administrative, and thus autonomous natures.

The 1931 Charter was put to a vote of the people on April 7, 1931, and it passed with a vote of 22,727 (Yes) to 5,767 (No).

## **1931 to the Present**

There have been 245 chaptered Charter Amendments since 1931. In this time, there have also been eight Citizen Charter Review Committees, out of which 105 ballot measures went forward for a vote by the people (see Attachment A). Seventy-nine of the 105 measures were approved. There have been twelve citizen petitions that qualified to amend the Charter since 1931, only three of which were approved by the voters (see Attachment B).

### **Citizen Charter Review Committees**

1. Charter Revision Committee (1940-1941)  
15 members, appointed by Mayor and Council

The Committee held its first meeting on February 13, 1940, where the Mayor opened the first meeting by stating, “it was up to the committee to form its own organization and proceed as it thought best toward the end of solving some of the problems created by sections of the Charter which many people felt should be changed.” (*Minutes of the Charter Revision Committee February 13, 1940*) By January 31, 1941, the Committee had a large number of recommendations which were submitted to the City Council.

The Council appointed its own internal Committee to “study and recommend upon the proposed Charter amendments submitted by the Charter Revision Committee.” (*Minutes of the Charter Revision Committee January 31, 1941*) The goal was to eliminate those recommended changes not deemed urgent or particularly important at the time.

The internal Committee came back to the Council on February 14, 1941 with a detailed report modifying the original recommendations. Ultimately, twenty-one (21) ballot propositions were placed on the April 22, 1941 ballot. Nineteen (19) of them passed.

Many of the nineteen (19) measures that were approved contained clean-up material. The 1939 Grand Jury had provided the Charter Revision Committee with twenty-six (26) recommendations – seven (7) had come from their own research and nineteen had been generated by the City Attorney and City Auditor. This preliminary work provided a basis for the for ballot measures that spanned a range of subjects from elections, public utilities, contracts and finance, property and franchise regulations (see Attachment A for details).

The two (2) that did not pass were:

Prop II: Proposed to fix Council salaries at \$1200 per year. The original 1931 Charter had placed the Council salaries at \$3,000 per year, but an initiative process – the People’s Ordinance #379 effective 12-26-33 - modified the Council salaries to \$10 per meeting with a cap of no more than \$600 for any fiscal year.

Prop XIX: Proposed to tie Fire pensions to prevailing wage and to fix the pension amount at the time of retirement. Prop XVIII, which was approved, proposed something similar for Police – adding an age and year of service requirement.

2. Citizens Charter Review Committee (1952-1953)  
15 members, appointed by Mayor and Council

At the first meeting on April 30, 1952, the Mayor, City Attorney and City Manager were present. In addition, Dr. Don Leiffer, of San Diego State College was present; he would continue to act as an advisor to the Committee. The Mayor distributed copies of a letter from the City Attorney which summarized various proposed Charter Amendments that had come to the attention of the attorney. It was emphasized that these were presented for informational purposes only and that they did not carry any recommendation either for or against their ultimate implementation.

The Committee held its final meeting on February 16, 1953, where members drafted and signed a letter to the Mayor and Council with their fifth and final report attached. Ultimately, the Committee's recommendations would result in twenty-four (24) ballot props that spanned two elections. Eighteen (18) of these would be approved by the voters.

Of the eighteen (18) that were approved, several were administrative in nature, or represented clean-up (e.g., areas of responsibility that were in the Charter but now fell to State Law for regulation or enforcement). Attachment A has the detail related to each ballot measure.

General information about the six that failed:

Prop D: Proposed allowing Council to pay for city employee and family health insurance.

Prop E: Proposed increasing the Mayor's salary to \$10,000 per year. The 1931 Charter had fixed the Mayor's salary at \$5,000 per year along with a \$1,500 entertainment fund.

Prop F: Proposed increasing the Council salary to \$3,000 per year.

Prop H: Related to revenue bonds for public improvements.

Prop I: Related to the issue of local bids.

Prop K: Attempted to define Harbor Commission responsibilities. This section of the Charter (54) would ultimately be repealed in 1963.

3. Citizens Charter Review Committee (1961-1962)  
38 members, approved by Mayor and Council

These members were described as “knowledgeable citizens representing different geographical areas and varying economic and social interests...charged with the responsibility of studying the entire charter and of presenting to the Council recommendations for whatever changes a majority of the Committee might consider to be desirable.” (*Report of the Citizens Charter Review Committee, 1962*)

The Committee held its first meeting in September 1961 and worked consistently for nine (9) months. Approximately thirty-four (34) of the Committee’s recommendations in the form of twenty-four (24) ballot propositions were submitted to the voters in September 1963; twenty-one (21) of which were approved by the voters.

Of the twenty-one (21) measures that were approved, perhaps the most notable was Prop B, which increased the Council from six (6) to eight (8) members. Other ballot propositions provided clean-up, updated roles and responsibilities of the City Manager, City Clerk and City Treasurer and provided appointing authority to the Planning Commission to the Mayor with Council confirmation (see Attachment A for details).

Of the three (3) measures that were not approved:

Prop F: Proposed placing the Planning Department under the City Manager (at this time the Planning Department was supervised by the Planning Commission).

Prop J: Related to monetary limits of purchase permissions.

Prop V: Proposed eliminating the preference for local bids.

4. Charter Review (1968-1969)

A three-phase approach was implemented beginning October 1968.

**Phase 1** - Charter Review Pilot Committee – Nine (9) members appointed by Mayor, with Council confirmation.

Task: Formulate pertinent questions, interview experts and interested citizens. Information that is considered pertinent to the revision of the Charter was to be compiled by the Pilot Committee and forwarded to the Blue Ribbon Committee for consideration. This group was not asked to rewrite the entire Charter, but to research and study areas where it believed changes should be made.

General recommendations were to be made to the Blue Ribbon Committee, which would pass on specific recommendations to the Citizens’ Charter Review Convention.

**Phase 2** - Charter Review Blue Ribbon Committee – twenty-five (25) members, with the Pilot Committee members forming the nucleus. The remainder of the members were again appointed by the Mayor, with Council confirmation.

**Phase 3** - Citizens' Convention – Forty-five (45) members: Three (3) members each appointed by the Council, City Manager and City Attorney; fifteen (15) members appointed by the Mayor from a panel of thirty persons nominated by the Blue Ribbon Committee.

Seventeen (17) ballot propositions were presented to the voters based on recommendations from this process in November 1969, eight (8) of which were approved by the voters.

The eight (8) ballot propositions that were approved by the voters addressed clean-up in the areas of elections and the Board of Education. They also addressed Board and Commission appointments, franchise fees, Council attendance and budget (see Attachment A for details).

Of the nine (9) that failed:

Prop A: provided a preamble to the Charter.

Prop B: Sought to apportion Council districts by population (rather than the number of registered voters). This concept would gain voter approval in 1990.

Prop D: Proposed that the nomination and election of Councilmembers should occur by district as opposed to nomination by district and election at large. Ultimately the voters would approve nomination, election and recall of Councilmembers by district in 1988 when it was put before the voters by a citizen initiative.

Prop F: Proposed a salary review commission to be appointed by the Civil Service Commission to make recommendations biennially to the Council regarding the salaries of the Mayor and Council. The 1973 Charter Revision Commission would place a similar ballot measure before the voters where it would finally be approved.

Prop H: Proposed making the Mayor the political and legislative head of the City along with vesting the Mayor with human relations leadership of the City.

Prop I: Proposed language that would require Council to fill a City Manager vacancy within 90 days, or the Mayor would appoint.

Prop M: Related to duties and responsibilities of the Auditor.

Prop N: Proposed eliminating a specific interest rate amount of 5% from Charter Section 92.

Prop P: Proposed increasing the number of unclassified assistants to the Mayor.

5. Charter Revision Committee (1973)  
15 members, 8 appointed by Council and 7 by the Mayor

The Committee commenced work on June 7, 1973 and concluded its deliberations on August 14, 1973. The members held twenty-three (23) meetings, heard testimony from twenty-four (24) organizations and thirty-eight (38) individuals, and received thirty-three (33) written communications. The focus of the Committee was on the form and structure of San Diego City Government and related issues.

The final report listed nine (9) specific recommendations, in the form of proposed Ballot Propositions to be placed on the November 6, 1973 ballot. All nine (9) of the recommendations were all placed on the ballot; three (3) passed.

The three (3) that were approved included:  
Prop E: Established a salary setting commission.

Prop H: Proposed eliminating the separate merit system for Firefighters and brought them into the Civil Service System.

Prop K: Proposed that members of City Commissions, Boards, Committees and Panels represent all segments of the community.

Those that were not approved included:

Prop B: Proposed removing the Mayor from the legislative body, increasing the number of Councilmembers to nine (9) and granting them veto power.

Prop C: Proposed establishing a Redistricting Commission to be appointed by the Mayor and Council as required by law. An amendment establishing a citizen redistricting commission would pass in 1992.

Prop D: Proposed that the nomination and election of Councilmembers should occur by district as opposed to nomination by district and election at large. Ultimately the voters would approve nomination, election and recall of Councilmembers by district in 1988 when it was put before the voters by a citizen initiative.

Prop F: Proposed forming an employee-employer panel to help resolve an impasse in negotiations.

Prop G: Proposed that employee grievances be referred to arbitration.

Prop J (there was no Prop I on this ballot): Proposed allowing the Mayor and Council to hire unclassified assistants without limit as to the number.

6. Charter Review Committee (1982)  
17 members, appointed by Mayor and Council

The task of this Committee was very specific: Study the City of Phoenix election system and alternatives.  
Information was provided to City Council; however, no recommendations were submitted to the voters.

7. San Diego City Charter Review Commission (1987-1988)  
15 members appointed by the Mayor

This Committee was originally established as City Charter Review Committee by R-269812 (11/23/1987). It included one representative from each Council District. Councilmembers provided the Mayor with three nominations and the Mayor appointed from among them.

With R-270671 (4/4/1988) Council authorized the Commission to “seek to place some of its recommendations on the November 1988 ballot.”

Only one ballot prop made it onto the November 8, 1988 ballot: Prop F, which created a Police Review Commission; it was approved by the voters.

The final report of March, 1989 listed thirteen (13) recommendations which were tentatively approved for the 1990 ballot at the City Council’s special workshop on January 12, 1990.

Of these, six (6) were ultimately placed on the November 1990 ballot; all six (6) were approved by the voters.

These ballot props addressed establishing Council districts by population rather than registered voters, the timeframe for filling a Council vacancy, the City’s market position, retirement age for city employees and retirement benefits, and the sale of city-owned land (see Attachment A for details).

8. Charter Review Committee (2007)  
15 members appointed by the Mayor with Council confirmation

Two City staff members from the City Attorney's Office and the Independent Budget Analyst were identified as ex-officio members.

Three Subcommittees established to conduct the work of the Charter Review Committee:

1. **Financial Reform Subcommittee** – composed of five (5) members to focus on determining the Charter modifications necessary to implement the Kroll report recommendations and other financial reforms.
2. **Duties of Elected Officials Subcommittee** – composed of five (5) members to focus on clarifying the roles and responsibilities of elected officials and the separation of powers under the strong mayor form of governance.
3. **Interim Strong Mayor Subcommittee** – composed of five (5) members to focus on identifying modifications that would improve the functionality of the strong mayor form of governance during the trial period.

Fifty-one (51) public meetings were held from April 13, 2007 through October 4, 2007. The committees and all sub-committees voluntarily operated under Brown Act requirements.

The final report listed fourteen (14) recommendations for Charter amendments. Of these, six (6) apparently resulted in three (3) ballot measures at the June 3, 2008 election, all of which were approved by the voters.

The three (3) ballot measures included:

Prop A: Public safety (Police, Fire and Lifeguard) exempted from Managed Competition.

Prop B: Increased Council to 9 and addressed mayoral veto and required that the issue of making Strong Mayor permanent would be put to the voters in June 2010.

Prop C: Related to the IBA, CFO, City Treasurer and City Auditor roles and responsibilities.

## **CONCLUSION**

This report seeks to provide a very general overview of the history leading up to the creation of the 1931 Charter. It also seeks to document the various Citizen Charter Review Committees that were formed at various times after the 1931 Charter was approved by the people. Information about recommendations that led to ballot propositions and the disposition of those ballot propositions is also included.

---

Elizabeth Maland  
City Clerk

cc: Jan Goldsmith, City Attorney  
Andrea Tevlin, Independent Budget Analyst  
Scott Chadwick, Chief Operating Officer

## **HISTORY OF CHARTER REVIEW COMMITTEES/COMMISSIONS IN THE CITY OF SAN DIEGO SINCE 1931**

Since the creation of the Charter of 1931, there have been eight citizen Charter Review Committees or Commissions formed by the Mayor and/or City Council to study the Charter's revision.

**1940-1941** - Charter Revision Committee - 15 members, appointed by Mayor and Council

The Mayor opened the first meeting, and stated that "it was up to the committee to form its own organization and proceed as it thought best toward the end of solving some of the problems created by sections of the Charter which many people felt should be changed." He and the Councilmen thanked the 15 citizens for their civic interest and withdrew from the meeting.

The Committee discussed the scope of duties – whether or not they were expected to write a new Charter. This was ultimately declared beyond the scope as they were not a Board of Freeholders but a committee appointed by the Mayor and Council to recommend Charter changes only.

The Committee held its first meeting on February 13, 1940. By January 31, 1941, the Committee had a large number of recommendations which were submitted to the City Council. The Council appointed a Committee to "study and recommend upon the proposed Charter amendments submitted by the Charter Revision Committee." The goal was to eliminate those recommended changes not deemed urgent or particularly important at the time.

The Committee came back to the Council on February 14, 1941 with a detailed report modifying the original recommendations. Ultimately, 21 ballot propositions were placed on the April 22, 1941 ballot. 19 of them passed.

### **Ballot Measures Resulting from Recommendations**

- a. Prop I (4/22/41): Amends Sections 8,9, and 10 related to the adoption of an election code, the nomination of candidates and the logistics of the election and canvass. PASS (Y-13,100;N-12,006)
- b. Prop II (4/22/41): Amends Section 12 which fixes the compensation of each Councilman at the sum of \$1200 per year (instead of the present compensation of \$10/mtg not to exceed \$600/Fiscal Year as fixed by People's Ordinance #379 (effective 12-26-33)). FAIL (N-14,068; Y-12,974)
- c. Prop III (4/22/41): Amends Section 17 which permits ordinances calling or relating to elections to take effect at the time indicated therein. PASS (Y-14,600; N-7,143)
- d. Prop IV (4/22/41): Amends Section 23 which preserves the right of the people to initiate an ordinance, exercise a referendum or recall, requires the procedures be documented in the election code & outlines the percentages of registered voter signatures (3% for submission or ordinance to the Council; 10% for submission or ordinance for a vote of the people; 5% for a referendum and 15% for recall). PASS (Y-12,873; N-11,327)
- e. Prop V (4/22/41): Amends Section 53 which creates the Division of Accounts in the Water Department, empowers the City Manager to hire an accountant and creates an Advisory Commission to which the Manager appoints 3 citizens to advise the Mgr and Council on plans for future water development. PASS (Y-16,703; N-8,298)
- f. Prop VI (4/22/41): Amends Section 54 which extends the annual appropriation of \$150,000 for the development of the harbor until FY 1948-49. PASS (Y-16,572; N-7,169)

- g. Prop VII (4/22/41): Amends Section 55 to add a provision empowering the Council to authorize the Mgr to enter into leases/contracts for use of the City Stadium in Balboa Park for use/operation of city equipment and facilities of an amusement character. PASS (Y-17,529; N-7,567)
- h. Prop VIII (4/22/41): Amends Section 77 to change the current ambiguous wording to clarify that a special tax levy of not more than 5 cents on each \$100 of the assessed valuation during any FY for the acquisition and construction of permanent improvements. PASS (Y-15,243; N-8,516)
- i. Prop IX (4/22/41): Amends Section 77a and empowers the Council to enter into contract for the maintenance in Balboa park of zoological exhibits. PASS (Y-19,321; N-7,184)
- j. Prop X (4/22/41): Amends Section 86 requires city employees and officials to make daily deposits whenever possible. PASS (Y-18,914; N-5,234)
- k. Prop XI (4/22/41): Amends Section 95 which allows the City to award a contract to an entity other than lowest responsible bidder when the higher bidder is using industries within SD County & the price does not exceed 5% of the lowest bid. PASS (Y-12,837; N-10,054)
- l. Prop XII (4/22/41): Amends Section 99 which specifies that a contract or obligation involving payment for more than one year shall be noticed in the official newspaper of the City at least 2 wks before final action and 5 affirmative votes of the Council; if the contract is more than 5 years, must be approved by 2/3 vote of the people. PASS (Y-15,474; N-6,534)
- m. Prop XIII (4/22/41): Amends Sections 103, 104 & 105 which all relate to rules and regulations of franchises. PASS (Y-13,131; N-8,920)
- n. Prop XIV (4/22/41): Amends Section 109 which relates to the keeping of accounts of municipally owned utilities. PASS (Y-16,578; N-6,251)
- o. Prop XV (4/22/41): Amends Section 112 which requires the Auditor & Comptroller to show the value of city-owned property, its depreciation and to furnish the information for inclusion in the annual budget & in the annual report of the Auditor & Comptroller. PASS (Y-18,676; N-4,799)
- p. Prop XVI (4/22/41): Amends Section 118 which adds to the existing Section (which relates to the Civil Service Commission) the ability of the appointing authority to lay off employees because of a lack of funding or work. PASS (Y-14,664; N-8,215)
- q. Prop XVII (4/22/41): Amends Section 130 which requires the Council by ordinance prior to the beginning of the FY to establish compensation for officers and employees in the Classified Service. PASS (Y-12,915; N-8,511)
- r. Prop XVIII (4/22/41): Repeal Section 161 and Amend Section 162. Section 161 allowed pensioners in the Police Department to have their pensions increased or decreased to meet prevailing wages. Section 162 was amended to note that the pension for PD would be fixed at the time of retirement and provided specific requirements regarding the amount of the pension (1/2 of average salary over 5 yrs) and cannot retire until age 50 & before 25 yrs of service. PASS (Y-12,614; N-11,528)
- s. Prop XIX (4/22/41): Repeal Section 183 and Amend Section 184. Section 183 allowed pensioners in the Fire Department to have their pensions increased or decreased to meet prevailing wages. Section 184 was amended to note that the pension for Fire would be fixed at the time of retirement and provided specific requirements regarding the amount of the pension (1/2 of average salary over 5 yrs). FAIL (N-14,365; Y-11,581)

- t. Prop XX (4/22/41): Repeals Sections 202 & 210 which relate to the creation, maintenance & jurisdiction of a City Police Court (Municipal Court was established and made the Police Court obsolete). PASS (Y-15,850; N-7,186)
- u. Prop XXI (4/22/41): Amends Section 213 which notes that all ordinances passed and contracts entered into prior to the passage of the present Charter remain in force and effect unless they conflict with provisions in the present Charter. PASS (Y-12,662; N-7,689)

**1952-1953** - Citizens Charter Review Committee - 15 members, appointed by Mayor and Council

The first meeting – April 30, 1952. Mayor, City Attorney and City Manager were present. Dr. Don Leiffer, of San Diego State College was also present at this meeting. He would continue to act as an advisor to the Committee. The Mayor distributed copies of a letter from the City Attorney which summarized various proposed Charter Amendments that had come to the attention of the attorney. It was emphasized that these were presented for informational purposes only and that they did not carry any recommendation either for or against their ultimate implementation.

The Committee held its final meeting on February 16, 1953, where they drafted and signed a letter to the Mayor and Council with their fifth and final report attached. Ultimately, the Committee’s recommendations would result in 24 ballot props that spanned two elections. 18 of these would be approved by the voters.

**Ballot Measures Resulting from Recommendations**

- a. Prop A (3/10/53): Amends Section 4 PASS (Y-32,747; N-6,592)
  - Recommendation 1.1 from Progress Report dated August 14, 1952.
  - Allows Council district boundaries to be described by reference to a map on file in the Office of the City Clerk instead of by a metes and bounds description.
- b. Prop B (3/10/53): Amends Section 16 PASS (Y-32,518; N-6,008)
  - Recommendation 1 from Progress Report dated December 5, 1952.
  - Details requirements for ordinances: must be read in full unless 4 Councilmembers vote to dispense with reading; No ordinance takes effect on the day it was passed (with exceptions – “annual appropriating ordinance,” etc.).
- c. Prop C (3/10/53): Amends Section 20 PASS (Y-29,251; N-8,531)
  - Recommendation 1.2 from Progress Report dated August 14, 1952.
  - Creates the Municipal Code.
- d. Prop D (3/10/53): Repeals Section 21 PASS (Y-31,312; N-7,392)
  - Recommendation 1.3 from Progress Report dated August 14, 1952.
  - This section of the Charter had required Council to supply offices, quarters & equipment police, city and municipal courts, responsibility for which was shifted to State Law.
- e. Prop E (3/10/53): Amends Section 35 PASS (Y-21,666; N-16,513)
  - Recommendation 5 from Progress Report dated December 5, 1952.
  - This amendment outlined requirements for competitive bids and competitive prices with regard to the purchase of materials and supplies.
- f. Prop F (3/10/53): Adds Section 40.1 PASS (Y-31,937; N-6,195)
  - Recommendation 2 from Progress Report dated December 5, 1952.
  - Provided the City Attorney concurrent jurisdiction with the District Attorney to prosecute violations of state law constituting misdemeanors within city limits.
  - This legalized procedures which had been followed for many years.

- g. Prop G (3/10/53): Amends Section 94 PASS (Y-25,730; N-12,140)
  - Recommendation 4 from Progress Report dated December 5, 1952.
  - Relates to requirements for written contracts after competitive bids for all public improvement work which exceeds in cost the sum of \$2,500.
- h. Prop H (3/10/53): Adds Section 103.1 PASS (Y-31,279; N-6,826)
  - Recommendation 3 from Progress Report dated December 5, 1952.
  - Requires that every public utility corporation doing business with city limits must secure consent from the City Council in the form of an ordinance.
- i. Prop I (3/10/53): Amends Section 110 PASS (Y-31,372; N-6,081)
  - Recommendation 7 from Progress Report dated December 5, 1952.
  - Changes existing law so that the time limit of 90 days for filing a claim does not start until the claimant has had notice of the existence of his claim.
- j. Prop J (3/10/53): Amends Section 113 PASS (Y-30,637; N-7,327)
  - Recommendation 1.4 from Progress Report dated August 14, 1952.
  - Defines "Official Advertising: as that which is required to be published by law.
- k. Prop A (4/21/53): Amends Section 107 PASS (Y-33,309; N-16,969)
  - Recommendation 8 from Progress Report dated December 5, 1952.
  - Allows Council to purchase a blanket surety bond to insure faithful performance of the official duties of the officers named therein; to be filed with the City Clerk (previously Auditor & Comptroller).
- l. Prop B (4/21/53): Amends Section 46 PASS (Y-29,867; N-18,747)
  - Recommendation 1 from Progress Report dated January 15, 1953.
  - Provided City Manager with the authority to organize the internal structure of the Public Works Department.
  - This amendment also provided for the repeal of Sections 47, 48, 49, 50, 51, 52 and 56 which dealt with the internal structure of Public Works and the Bureau of Safety (56).
- m. Prop C (4/21/53): Amends Section 55 PASS (Y-25,911; N-24,771)
  - Recommendation 4 from Progress Report dated January 15, 1953.
  - Combined Parks department (and Commission) and Recreation Department (and Commission) into a combined Park and Recreation Department. It also created a Park & Recreation Commission to consist of 7 members (2 appointed by the Board of Education; 2 by the City Manager and 3 by the Mayor with "consent" of the Council). This amendment also prohibited the change of use of any park, recreation or cemetery land without the consent of 2/3 of the electors, but it authorized Council to open streets and highways through public parks.
- n. Prop D (4/21/53): Adds section 70.1 FAIL (N-32,982; Y-17,444)
  - Recommendation 5 from Progress Report dated January 15, 1953.
  - Proposed to give Council the power to pay part or all of the costs of public health insurance, including hospitalization and surgery, for the members of the classified & unclassified personnel and their wives and minor children.
- o. Prop E (4/21/53): Amends Section 24 FAIL (N-30,743; Y-20,887)
  - Recommendation 1 from Progress Report dated January 30, 1953.
  - Increase Mayor's annual compensation to \$10,000 per year.
- p. Prop F (4/21/53): Amends Section 12 FAIL (N-28,920; Y-22,225)
  - Recommendation 2 from Progress Report dated January 30, 1953.
  - Increase Council's salary to \$3,000 per year.

- q. Prop G (4/21/53): Amends Section 66 PASS (Y-24,403; N-24,347)
- Recommendation 3 from Progress Report dated January 30, 1953.
  - Provided a compensation of \$1,200 per year for members of the Board of Education.
- r. Prop H (4/21/53): Adds Section 90.1 FAIL (N-27,671; Y-21,073)
- Recommendation 4 from Progress Report dated January 30, 1953.
  - Authorized the City to issue revenue bonds for the purpose of financing the construction of public improvements, upon a majority vote of the people.
- s. Prop I (4/21/53): Amends Section 95 FAIL (N-24,274; Y-23,023)
- The Committee's Recommendation 5 from the Progress Report dated January 30, 1953 actually sought to repeal Section 95.
  - This is what went on the ballot: Amend Section 95 to provide a preference not to exceed 5% or \$500, whichever is lower, in favor of local bidders for the sale of materials & supplies to the City, only in the event that there is competition of outside bidders for such contract.
  - Interestingly, the language that was there was finessed by the 1940/1941 Charter Revision Committee: *Prop XI (4/22/41): Amends Section 95 which allows the City to award a contract to an entity other than lowest responsible bidder when the higher bidder is using industries within SD County & the price does not exceed 5% of the lowest bid. PASS (Y-12,837; N-10,054)*
- t. Prop J (4/21/53): Amends Section 61 PASS (Y-31,908; N-16,794)
- The Committee's Recommendation 6 from the Progress Report dated January 30, 1953 actually sought modify the language in the Charter related to the Department of Social Welfare. There was a recommendation for a "Social Welfare Commission."
  - The actual ballot language is described as eliminating "the present statement of specific duties of the department of Social Welfare," and replacing it with a "Department of Social Services" that has more general duties related to investigation, improvement of social conditions, etc.
  - What's interesting is that much of the Charter Review Committee's original recommendation language is retained but the old language (used by the Commission) of "Department of Social Welfare" is replaced with "Department of Social Services" on the ballot.
- u. Prop K (4/21/53): Amends Section 54 FAIL (N-28,695; Y-20,525)
- Recommendation 7 from Progress Report dated January 30, 1953.
  - The Charter Review Commission's recommendation only addressed subdivision (b) of Section 54. The ballot measure proposed additional changes to (b) not directly recommended and also to subdivision (f) and addressed limitations on the expenditure of revenues.
  - *Interestingly, the City would try again at the June 8, 1954 election where Prop D would PASS (Y-63,936; N-19,327). This ballot prop would again propose removing obsolete language from the Charter, define the jurisdiction of the Harbor Commission to tidelands and the Bay of SD and stipulate that any revenues from Harbor ops must be spent on harbor and tidelands improvements. Ultimately Section 54 would be repealed in 1963.*
- v. Prop L (4/21/53): Amends Section 68 PASS (Y-37,294; N-11,721)
- Recommendation 8 from Progress Report dated January 30, 1953.
  - Authorized a complete budget and accounting system of municipal finances, and eliminated the language that was in the Charter because it was "ambiguous, directory and not capable of enforcement."
- w. Prop M (4/21/53): Adds Section 148.1 PASS (Y-32,737; N-16,219)
- Recommendation 9 from Progress Report dated January 30, 1953.
  - Provides power to the Council (with approval from majority of SDCERS members) to contract with the State and/or Federal Government for social security.

- x. Prop N (4/21/53): Amends Sections 59 & 117 PASS (Y-33,019; N-15,109)
  - Recommendation 10 (a) and (b) from Progress Report dated January 30, 1953.
  - Changed the title of the head of the Dept of Inspection from “Chief Inspector” to “Director of Building Inspection.” Also made the position part of Unclassified Service.

**1961-1962** - Citizens Charter Review Committee - 38 members, “knowledgeable citizens representing different geographical areas and varying economic and social interests...charged with the responsibility of studying the entire charter and of presenting to the Council recommendations for whatever changes a majority of the Committee might consider to be desirable.”

Approximately 34 of the committee’s recommendations in the form of 24 ballot propositions were submitted to the voters in September 1963; 21 of which were approved by the voters.

### **Ballot Measures Resulting from Recommendations**

- a. Prop B (9/17/63): Amends Sections 4, 7, 12, 22 & 25 PASS (Y-73,880; N-24,337)
  - Recommendation 7-1 increased the size of the City Council to eight members including the Mayor, and redistricting for eight districts, with no change in the method of nomination and election of councilmen.
  - Recommendation 7-4 permitted Councilmembers to deal with administrative services through the City Manager as well as a designated representative of the City Manager.
  - Recommendation 7-10 regarded a provision stating Council’s duty to attend all meetings, and stipulating that absence from eight consecutive meetings or 50% of any scheduled meetings within a month will vacate the seat unless the absence is excused by Council resolution.
  - Recommendation 8-3 replaced the term “Vice Mayor” with the term “Deputy Mayor” in an effort to enhance the status of that position.
- b. Prop C (9/17/63): Amends Sections 16, 17, 26 & 94 PASS (Y-80,743; N-17,399)
  - Recommendation 7-7 allowed for dispensing with the reading of ordinances on a vote of five members if the Council is increased to nine members. (Dispense w/reading is the part included on the ballot).
  - Recommendation 7-8 required emergency measures to have the vote of at least six Councilmembers if the Council size increased to nine members. (Two-thirds Council for emergency is the part included on the ballot).
  - Recommendation 7-9 retained the Charter requirement for an extraordinary vote of the Council in order to make changes in the administrative code if the size of the Council is increased. (Two-thirds Council to amend administrative code is the part included on ballot).
- c. Prop D (9/17/63): Amends Sections 24, 41, 43 & 211 (repeals Section 54) PASS (Y-79,165; N-18,054)
  - Recommendation 8-2 established the Mayor’s State of the City address in January.
  - Recommendation 9-3 created of temporary committees by the Mayor, Council or Manager. Committee members would be required to take the oath of office.
- d. Prop E (9/17/63): Amends Section 42 PASS (Y-50,062; N-47,822)
  - Recommendation 11-6 required all appointive members of the Planning Commission to be appointed by the Mayor with Council confirmation.
- e. Prop F (9/17/63): Amends Section 28 FAIL (N-50,995; Y-43,213)
  - Recommendation 11-6 placed the Planning Department, including the appointment and supervision of the Planning Director, under the City Manager.

- f. Prop G (9/17/63): Amends Sections 27, 28 & 29 PASS (Y-77,257; N-18,865)
  - Recommendation 6-2 removed all Charter language describing the City Manager as “chief executive,” referring to him instead as “chief administrator.”
  - Recommendation 7-5 empowered Council to employ and remove the City Manager by a simple majority.
  - Recommendation 8-2 established the Manager’s presentation of the annual report of the previous fiscal year to Council in January.
- g. Prop H (9/17/63): Amends Section 38 PASS (Y-81,384; N-13,662)
  - Recommendation 12-9a referred to the City Clerk only as to the method of selection, and assigning the maintenance of specific official records of the City to the City Clerk.
- h. Prop I (9/17/63): Amends Sections 45, 82 & 83 PASS (Y-76,394; N-16,266)
  - Recommendation 16-5 authorized the City Treasurer to issue checks as well as warrants.
- i. Prop J (9/17/63): Amends Sections 35, 94, 98 & 102 FAIL (N-52,872; Y-42,908)
  - Recommendation 12-8 removed excessive detail, including reference to the Budget Officer, the Purchasing Agent and the Manager’s Control Department. The section referring to directors of departments and their authority was also to be removed.
  - Recommendation 16-1 raised the monetary limitations on purchases without Council authorization, and on contracts without competitive prices or advertising for competitive bids.
  - Recommendation 16-2 granted the Manager autonomous authority to permit contract alterations not exceeding \$1,000.
  - Recommendation 16-4 enabled use of city forces without prior referral to Council on projects not exceeding \$5,000 when the work performed relates to capital improvements.
  - Recommendation 17-5 revised Charter provisions providing for continuation in force of contracts and offices in existence in 1931, to conform to present legal necessities and for consistency with other Charter changes.
- j. Prop K (9/17/63): Amends Section 31 PASS (Y-52,680; N-43,876)
  - Recommendation 14-6 made clear that no classified employee can take an active part in City political campaigns. Employees should be permitted active roles in all other political campaigns as well as bond issue campaigns, including those of the City.
- k. Prop L (9/17/63): Amends Section 110 PASS (Y-74,543; N-18,336)
  - Modify claim filing time from 90 days to 100 days.
- l. Prop M (9/17/63): Amends Section 57 PASS (Y-72,480; N-21,666)
  - Recommendation 11-4 retained Charter sections referencing a Police Department, but removing provisions concerning the Merit System, other personnel provisions and the necessity to contract for a physician and surgeon; unnecessary language was to be removed from remaining provisions.
- m. Prop N (9/17/63): Amends Section 58 PASS (Y-72,735; N-22,122)
  - Recommendation 11-5 retained a section regarding the Fire Department, but removing the two platoon system and other personnel provisions except that for a separate Merit System. Also to be removed was the necessity to contract for a physician and surgeon. Unnecessary language was to be removed from remaining provisions.
- n. Prop O (9/17/63): Add Section 43.1 PASS (Y-47,964; N-46,906)
  - This may not have been the result of the Charter Review recommendation – there is no argument in favor and the League of Women Voters is opposed – this section gives the Council the authority to appoint to Boards/Commissions after the Council fails or refuses to confirm two successive nominations by the Mayor – *this section of the Charter was repealed by a vote of the people in 1969.*

- o. Prop P (9/17/63): Repeals Sections 61 & 63 PASS (Y-68,153; N-24,506)
  - Repealed the “Social Service Commission” and “Library Commission”
  - Recommendation 11-1 eliminated specific Charter reference to the establishment and organization of administrative departments, with certain exceptions. It also regarded charging the City with the responsibility of providing public works services, water services, building inspection services, public health services, park and recreation services, library services and others.
  - Also in connection with Recommendation 11-1, Recommendation 11-3 provided by ordinance the structure of the Library Board (11-3b), the Park and Recreation Department and Board (11-3c), and the Social Service Board (11-3d).
  
- p. Prop Q (9/17/63): Amends Section 55 PASS (Y-65,266; N-29,497)
  - Based on recommendations listed for Prop P: amended Section 55 to delete the Park and Recreation Commission as a charter commission, and deleted reference to the Park and Recreation Director, giving responsibility for park and recreation services to the City Manager.
  - Recommendation 17-2 eliminated from the Charter as unnecessary specific authority to contract with the SDUSD or any other agency for recreational purposes.
  
- q. Prop R (9/17/63): Amends Section 53; Add Section 26.1; Repeal sections 33, 34, 36, 44, 46, 59, 60, 60.1 & 60.2 PASS (Y-72,228; N-22,304)
  - Based on recommendations listed in Prop P: in part amended section 53 to make the City Manager responsible for the Water Utility, to require water financial accounts to be maintained by the City, and to eliminate language requiring a water advisory commission. It also repealed Sections 33, 34, 36, 44, 46, 59, 60 and 60.1 abolishing certain administrative department requirements; repealed Section 60.2 which authorized consolidation of the Public Health Department with the County; and added new Section 26.1 requiring the City to provide certain public services in lieu of the repealed sections.
  - Recommendation 12-8 removed excessive detail, including reference to the Budget Officer, the Purchasing Agent and the Manager’s Control Department. The section referring to directors of departments and their authority was also to be removed.
  - Recommendation 17-1 deleted the section referring to the authority and manner of obtaining plumbing permits (Section 60.1).
  
- r. Prop S (9/17/63): Repeal Section 221 PASS (Y-72,280; N-21,293)
  - Recommendation 17-6 deleted the section requiring the City to keep its offices open during certain hours.
  
- s. Prop T (9/17/63): Amend Section 117 PASS (Y-68,049; N-24,821)
  - Recommendation 13-3a listed all department heads and one principal assistant or deputy in each department as part of the classified service.
  - Recommendation 13-3b in part placed the Port Director and the City Planning Director in the unclassified service except that these positions and that of one principal assistant in each department should remain in the classified service until the incumbent directors vacate their positions.
  
- t. Prop U (9/17/63): Repeal Sections 193, 194, 195, 195.1, 196, 197, 198, 199, 200, 201 PASS (Y-52,910; N-40,133)
  - Recommendation 14-7 eliminated Article XII, Labor on Public Works, and either adopting appropriate State Labor Code provisions by reference or by omitting all mention of the subject.

- u. Prop V (9/17/63): Repeal Section 95 FAIL (N-50,028; Y-42,448)
  - Recommendation 16-3 eliminated from the Charter the requirement that preferences in accepting bids be granted to products and materials produced in the city of county of San Diego.
- v. Prop W (9/17/63): Amend Section 104 PASS (Y-70,919; N-19,508)
  - Recommendation 16-7 referred more flexibly, as in State law, to the terms for which a franchise may be awarded.
- w. Prop X (9/17/63): Repeal Section 96 PASS (Y-70,902; N-21,252)
  - Recommendation 16-10 eliminated the optional use of progressive payments in contracts.
- x. Prop Y (9/17/63): Amend Section 213 PASS (Y-74,608; N-18,788)
  - Recommendation 17-5 revised Charter provisions providing for continuation in force of contracts and offices in existence in 1931, to conform to present legal necessities and for consistency with other Charter changes.

**1968-1969** - A three-phase approach was implemented beginning October 1968.

**Phase 1** - Charter Review Pilot Committee - 9 members appointed by Mayor, with Council confirmation.

**Task:** Formulate pertinent questions, interview experts and interested citizens. Information that is considered pertinent to the revision of the Charter will be compiled by the Pilot Committee and forwarded to the Blue Ribbon Committee for consideration. This group was not asked to rewrite the entire Charter, but to research and study areas where it believed changes should be made.

General recommendations to be made to the Blue Ribbon Committee, which would pass on specific recommendations to the Citizens' Charter Review Convention.

**Phase 2** - Charter Review Blue Ribbon Committee - 25 members, with the Pilot Committee members forming the nucleus. Remainder of members again appointed by the Mayor, with Council confirmation.

**Phase 3** - Citizens' Convention - 45 members: 3 members each appointed by the City Councilmen, City Manager and City Attorney; 15 members appointed by the Mayor from a panel of thirty persons nominated by the Blue Ribbon Committee.

17 ballot propositions were presented to the voters based on recommendations from this process in November 1969, 8 of which passed.

### **Ballot Measures Resulting from Recommendations**

- a. Prop A (11/4/69): Add a Preamble to the Charter FAIL (N-64,164; Y-37,859)
  - The Blue Ribbon Committee and the Citizens' Convention proposed a preamble to the charter which would set forth goals or objectives of San Diego Government.
  - Preamble: It is the purpose of this Charter to provide a system of municipal government which builds on the best of the past while adapting to the challenges and problems of future growth and to the change which occurs inevitably with the passing of time. The government provided by this Charter should support the efforts of San Diego's residents to enhance their community's potential as a desirable place for work and leisure.

This Charter seeks to blend the advantage of professional administration of government through the council-manager system with leadership in city policy-making firmly placed in the hands of officials selected by the citizens through democratic electoral machinery and responsive to the views of all segments of the community.

- b. Prop B (11/4/59): Amend Sections 4, 5 & 66 FAIL (N-66,993; Y-35,547)
  - The Citizens' Convention recommended Council districts should be apportioned on the basis of population rather than on the basis of registered voters and redistricting should take place every five (5) years.
  - Amend Section 66 to add a requirement that the Board of Education must hold a public hearing prior to redistricting the San Diego Unified School District election districts.
  
- c. Prop C (11/4/69): Amend Sections 7 & 12 PASS (Y-72,906; N-28,034)
  - The Citizens' Convention adopted recommendations from the City Clerk regarding miscellaneous changes and removal of obsolete provisions.
  - Amend Section 7 to provide that the three year residency requirement for elective office relates to "taking office" rather than "election or appointment" and eliminate obsolete language referring to 1965 Councilmanic election. Amend Section 12 to specify a definite time of 10 a.m. for taking office; provide that City Council may determine by lot which councilman shall represent each district when redistricting occurs; add a paragraph waiving the one-year residency requirement in a district if redistricting takes place affecting persons residing in affected districts contiguous to the redistricted areas so that those persons will be eligible to become candidates.
  
- d. Prop D (11/4/69): Amend Section 10 FAIL (N-70,314; Y-31,368)
  - The Citizens' Convention recommended that both nomination and election of Councilmen occur by districts (rather than the process in place at the time – nomination by district and election by voters of the entire city). *Interestingly, this concept of district-specific representation would fail again as Prop D in 1973 when recommended through a "Charter Revision Committee" this time for district-specific election (not just nomination as it was in 1969); however, a Citizen Initiative in 1988 would put it before the voters as Prop E (Councilmembers nominated, elected and recalled by District) at the 11/8/88 election and this time it would narrowly pass Y-176,889; N-168,795.*
  
- e. Prop E (11/4/69): Amend Section 12 PASS (Y-61,937; N-38,440)
  - The Citizens' Convention recommended to amend Section 12, paragraph 4, line 1 as follows: "The Council shall vacate the seat of any Councilman who is absent from eight (8) consecutive meetings or fifty per cent (50%) of any scheduled meetings within a month unless the absence thereof is excused by resolution of the Council."
  
- f. Prop F (11/4/69): Adds Section 41.1 & Amend Sections 12 & 24 FAIL (N-72,673; Y-29,081)
  - The Citizens' Convention recommended a salary review commission be appointed by the Civil Service Commission to make recommendations biennially to the City Council concerning the salaries to be paid to the Mayor and the City Council. *Note: An independent Salary Setting Commission was passed in 11/6/73 – a ballot measure recommended by the Charter Revision Commission at the time: Y-85,286; N-64,078.*
  
- g. Prop G (11/4/69): Amends Section 16 PASS (Y-59,145; N-40,760)
  - The Citizens' Convention recommended the present six (6) calendar-day minimum period between introduction and passage of non-emergency ordinances be changed to a twelve (12) calendar-day minimum.

- h. Prop H (11/4/69): Amends Section 24 FAIL (N-74,069; Y-25,877)
- The Citizens' Convention recommended to amend the Charter to identify the Mayor as to the political and legislative head of the city; and add the Mayor be assigned responsibility for human relations leadership of the City. They also recommended an amendment to require the Mayor to develop an annual municipal legislative program for presentation to the Council and that he be authorized to develop and propose to the Council other legislative proposals from time to time.
- i. Prop I (11/4/69): Amends Section 27 FAIL (N-72,580; Y-26,861)
- The Citizens' Convention recommended to amend Section 27, deleting the final paragraph, and substituting the following language: "In the event of a vacancy in the office of the City Manager, the Council shall fill the same within ninety (90) days after the vacancy occurs and it shall require the affirmative vote of a majority of the members of the Council to appoint a person to the office of Manager, thereafter, the Manager shall be appointed by the Mayor."
- j. Prop J (11/4/69): Amends Sections 41, 43, 115 & 144 PASS (Y-65,295; N-32,153)
- The Citizens' Convention made eight (8) separate recommendations concerning Commissions, Boards and Committees appointments, term limits, and specific recommendations for Planning Commissioners terms.
  - This also basically repealed Sections 42 & 43.1, but the content from those sections was retained – Section 42 went into Section 41, and Section 43.1 was split between Sections 41 and 43.
- k. Prop K (11/4/69): Amends Section 66 PASS (Y-52,923; N-46,577)
- The Citizens' Convention recommended members of the Board of Education shall be nominated by district and elected at large (Section 66, paragraph 1); and if the remaining members of the Board of Education fail to fill a vacancy by appointment within thirty (30) days after the vacancy occurs, they must immediately cause an election to be held. There shall be a primary election in the district in which the vacancy occurs and a general election within the entire school district (Section 66, paragraph 1).
- l. Prop L (11/4/69): Amend Sections 69, 71 & 81 PASS (Y-57,080; N40,705)
- The Citizens' Convention recommended Section 69 be changed to require budget estimates from departments not under the Manager be submitted to him "not later than April 1." Also recommended was Section 71 be amended to require "a minimum of two public hearings" on the Annual Appropriation Ordinance, and that this section be further amended by adding the provisions that the Annual Appropriation Ordinance be adopted "not later than the last meeting in July".
- m. Prop M (11/4/69): Amend Sections 70 & 85 and Repeal sections 88 & 89 FAIL (N-50,517; Y-46,674)
- The Citizens' Convention repeal of Sections 88 and 89 to delete the requirement for monthly reports to the Auditor and Comptroller for all moneys received; also the Citizens' Convention believes that is unwise to put specific salary figures into a Charter.
  - Amend Section 70 relating to Council's power to fix salaries to delete unnecessary reference to specific officials. Amend Section 85 to allow Council to adopt ordinance providing for alternate methods of deposits of money upon recommendation of City Auditor and Comptroller.
- n. Prop N (11/4/69): Amends Section 92 FAIL (N-49,872; Y-45,138)
- The Citizens' Convention recommended that reference to the specific interest rate of five per cent (5%) per annum be eliminated from Charter Section 92.

- o. Prop O (11/4/69): Amends Section 103 PASS (Y-79,702; N-21,024)
  - The Citizens' Convention recommended amending Section 103 to require a two-thirds vote of the Council to grant a franchise for use of any public property rather than five votes of the Council to conform to extraordinary vote requirement as contained in Charter prior to 1963 when the Council was increased from seven to nine members.
  
- p. Prop P (11/4/69): Amends Section 117 FAIL (N-80,280; Y-20,421)
  - The Citizens Convention recommended that the Mayor be authorized up to **five (5)** unclassified assistants, plus a secretary; and that the Mayor be authorized additional unclassified assistant by a two-thirds (2/3) vote of the Council.
  - The ballot actually read: Amend Section 117 to permit the Mayor to have **four** unclassified assistants plus additional unclassified assistants when authorized by a two-thirds vote of the Council and delete obsolete language referring to incumbents in positions of Planning Director and Principal Assistant to Planning Director on January 1, 1963 as both individuals have left City Service.
  
- q. Prop Q (11/4/69): Amends Section 211 PASS (Y-73,444; N-26,288)
  - The Citizens' Convention recommended to approve the City Clerk's recommendations which included amending Section 211, paragraph 1, line 3: delete words "...the following oath or affirmation..." and substitute the following words: "...an oath as provided by the Constitution or General Law of the State." This would allow the City to comply with recent Supreme Court decisions.

**1973** - Charter Revision Committee - 15 members, 8 of whom were appointed by members of the City Council and 7 appointed by the Mayor.

Commenced work on June 7, 1973 and concluded its deliberations on August 14, 1973. The Committee held 23 meetings, heard testimony from 24 organizations and 38 individuals, and received 33 written communications.

Focus: Form and structure of San Diego City Government and related issues.

The final report listed 9 specific recommendations, in the form of proposed Ballot Propositions to be placed on the November 6, 1973 ballot. All 9 of the recommendations were all placed on the ballot; 3 passed.

### **Ballot Measures Resulting from Recommendations**

- a. Prop B (11/6/73): Amends or Adds sections 4, 7, 11, 12, 13, 17, 18, 21, 22, 24, 25, 27, 28, 29, & 69 FAIL (N-101,690; Y-62,078)
  - Proposed to remove the Mayor from the Legislative Body, increase the number of Councilmembers to 9 and grant veto power to the Council. *There were other details as well – in line with the current version of Strong mayor that was passed as a trial in 2004 and made permanent in 2010 (e.g., created Council President role, had City Manager reporting to Mayor, etc.).*
  
- b. Prop C (11/6/73): Adds section 41(d) Redistricting Commission FAIL (N-92,479; Y-61,292)
  - Proposed establishing a redistricting commission as required under law. *Interestingly, a similar proposition would ultimately pass in June of 1992, establishing a citizen redistricting commission.*

- c. Prop D (11/6/73): Amends Sections 5, 7 & 10 FAIL (N-88,156; Y-59,494)
  - Proposed Councilmember election by District (as opposed to citywide). *Interestingly, this concept also went to the voters via a Citizen Initiative in 1981 as Prop E- Council nominated & elected by district – it failed N-80,597; Y-56,690) and again in 1988 via another Citizen Initiative as Prop E (Councilmembers nominated, elected and recalled by District as opposed to nominated by district and elected citywide) at the 11/8/88 election and this time it would pass Y-176,889; N-168,795.*
  
- d. Prop E (11/6/73): Adds Sections 12.1, 24.1 & 41.1 PASS (Y-85,286; N-64,078)
  - Proposed establishing a Salary Setting Commission to biennially review and make recommendations to the City Council for setting Mayor & Council salaries.
  
- e. Prop F (11/6/73): Amends sections 118 & 130; Adds Section 130.1 FAIL (N-92,373; Y-58,614)
  - Proposed forming an employer-employee panel to help resolve an impasse in negotiations. This ballot measure also sought to eliminate the obligation of the Civil Service Commission to make recommendations on wages & salaries.
  
- f. Prop G (11/6/73): Adds Section 119 FAIL (N-95,006; Y-55,131)
  - Proposed employee grievances to be referred to arbitration.
  
- g. Prop H (11/6/73): Amends Section 58 PASS (Y-121,070; N-32,433)
  - Proposed eliminating the separate merit system for the Firefighters and sought to bring them into the Civil Service system.
  
- h. Prop J (Note: There was no Prop “I” on the ballot) (11/6/73): Amends Section 117 FAIL (N-110,857; Y-36,092)
  - Proposed enabling the Mayor & Council to employ unclassified assistants without limit as to number.
  
- i. Prop K (11/6/73): Adds Sections 42 & 224 PASS (Y-80,432; N-70,820)
  - Proposed that members of City Commissions, Boards, Committees & Panels be selected so that all segments of the community are fairly represented, and to note that where the Charter states “he,” it would be taken to represent both sexes.

**1982** - Charter Review Committee - 17 members, appointed by Mayor and Council. Task: Study the City of Phoenix election system and alternatives.

Information was provided to City Council however, no recommendations were submitted to the voters.

**1987-1988** – San Diego City Charter Review Commission ‘88 - 15 members appointed by the Mayor. Originally established as City Charter Review Committee by R-269812 (11/23/1987). Included one representative from each Council District (the Mayor obtained three nominations from each Council District and appointed from among them).

With R-270671 (4/4/1988) Council authorized the Commission to “seek to place some of its recommendations on the November 1988 ballot.” Only one ballot prop made it onto the November 1988 ballot: Prop F; it passed.

The final report of March, 1989 listed 13 recommendations which were tentatively approved for the 1990 ballot at the City Council’s special workshop on January 12, 1990. Of these, 6 were ultimately placed on the November 1990 ballot; all 6 were approved by the voters.

### **Ballot Measure Resulting from Recommendations**

- a. Prop F (11/8/88): Add Section 57.1 creating a Police Review Commission (see R-271533, adopted 6/27/88) PASS (Y-181,195; N-157,068)
- b. Prop F (11/6/90): Amends Section 4 PASS (Y-121,132; N-105,178)
  - Recommendation K: strike terms “registered voter,” “qualified voters” and “registered voting,” and replace them with the term “population” in Sections 4 (Districts Established) and 5 (Redistricting). Amend Section 4 to strike the term “registered voters.”
- c. Prop G (11/6/90): Amends section 12 PASS (Y-167,100; N-66,618)
  - Recommendation D: amend Section 12 to require filling a Council vacancy by election in the district if Council fails to fill it by appointment within 30 days of the vacancy. The highest vote-getter would be elected.
  - Ballot Language: amend Section 12 to require filling a Council vacancy by election in the district if Council fails to fill it by appointment within 30 days of the vacancy. If no candidate receives a majority vote in the primary, a run-off is scheduled between the top two.
- d. Prop H (11/6/90): Amends section 92 PASS (Y-153,422; N-78,171)
  - Recommendation I: amend Section 92 to strengthen the City’s market position regarding short term borrowing by the City Treasurer.
- e. Prop J (No Prop “I”) (11/6/90): Amends section 141 PASS (Y-178,196; N-66,112)
  - Recommendation L: amend Section 141 to remove the requirement for mandatory retirement at age 65.
- f. Prop K (11/6/90): Amends Section 143.1: Approval of Amendments by Members PASS (Y-146,044; N-94,555)
  - Recommendation J: amend Section 143.1 to provide that retired City employees shall vote on benefits that affect their retirement benefits.
- g. Prop L (11/6/90): Add Section 221: Sale of Real Property PASS (Y-182,975; N-59,703)
  - Recommendation F: add new Section 221 requiring voter approval of the sale or exchange of 80 acres or more of contiguous City owned land.

**2007** - Charter Review Committee - 15 members appointed by the Mayor with Council Confirmation, two City staff members from the City Attorney's Office and the Independent Budget Analyst were identified as ex-officio members.

Three Subcommittees established to conduct the work of the Charter Review Committee:

1. **Financial Reform Subcommittee** – composed of 5 members to focus on determining the Charter modifications necessary to implement the Kroll report recommendations and other financial reforms.
2. **Duties of Elected Officials Subcommittee** – composed of 5 members to focus on clarifying the roles and responsibilities of elected officials and the separation of powers under the strong mayor form of governance.
3. **Interim Strong Mayor Subcommittee** – composed of 5 members to focus on identifying modifications that would improve the functionality of the strong mayor form of governance during the trial period.

51 public meetings were held from April 13, 2007 through October 4, 2007. All committees and subcommittees voluntarily operated under the Brown Act requirements.

The final report listed 14 recommendations for Charter amendments. Of these, 6 apparently resulted in 3 ballot measures at the June 3, 2008 Election, all of which were approved by the voters.

#### **Ballot Measures Resulting from Recommendations**

- a. Prop A (6/3/08): Amends Section 117 PASS (Y-130,108; N-61,386)
  - Recommendation #9 clarified that participants in the Safety Retirement System are exempt from Managed Competition.
  - The amendment to Section 117 included the following language: "The core public safety services provided by police officers, firefighters, and lifeguards who participate in the City's Safety Retirement System shall not be subject to Managed Competition."
- b. Prop B (6/3/08): Amends Section 225 PASS (Y-148,672; N-44,887)
  - Recommendation #2 regarded enactment over veto, in part requiring a two-thirds Council majority vote to override a mayoral veto.
  - Recommendation #3 regarded increasing the number of Council districts from eight to eleven. *The actual ballot language increased Council from eight to nine.*
- c. Prop C (6/3/08): Amends Sections 39, 45, 111, 117, 265, 270, 280; Adds Sections 39.1, 39.2, 39.3 PASS (Y-122,065; N-76,680)
  - Recommendation #4 regarded clarifying the IBA's authorization to act as a budgetary and policy analyst for the City Council. *The actual ballot language made permanent the IBA, providing in part, in Charter section 39.3, that "The Office of the Independent Budget Analyst shall provide budgetary and policy analysis for the City Council."*
  - Recommendation #5 regarded the CFO assuming responsibilities of the City Auditor and Comptroller and remaining exempt from civil service; and removed the need for Council confirmation of the City Treasurer.
  - Recommendation #6 established an Audit Committee with a specific composition and appointment process for public members.
  - Recommendation #7 established a City Auditor, with certain requirements, responsibilities, and method of removal. The recommendation would have required a four-fifths vote to terminate the City Auditor. *The actual ballot language included all parts of this recommendation, except that a two-thirds vote can terminate the City Auditor.*

## **Additional Information**

Throughout the years there have been additional organized Charter Review efforts outside the City sphere, or efforts that involve staff review. What is known about these non-city generated efforts is listed below:

### **1939:** Grand Jury Charter Review

7 recommended Charter Amendments from the 1939 Grand Jury itself.

19 recommendations which originated in the City Attorney and City Auditor & Comptroller

Many of these recommendations were considered by the 1940/1941 Charter Revision Committee, and some went forward to the voters through the Charter Revision Committee's recommendations.

**1966:** Council authorized City Attorney Ed Butler and his staff to begin rewriting the charter to eliminate confusion and clarify the intent of various sections. The results of this effort were incorporated into the 1968/1969 Charter Review process.

**1999/2000:** The Charter Change Committee was a group of civic-minded citizens who brought a ballot measure forward to the Council for consideration in May of 2000. The item was referred to the Rules Committee for consideration.

The ballot prop returned to Council on July 18, 2000 (see below):

*ITEM-339: Ballot Proposal Submitted by The Charter Change Committee and The Committee of 2000 to Change the City Charter for the City of San Diego to a Mayor-Council form of Government.*

The motion that passed directed an exploration of a City Charter Review process. Following this Council meeting, then City Manager Michael Uberagua, released a memo on July 31, 2000 with the title: "Creation of Citizen Charter Review Committee or Commission." The memo is addressed to the Honorable Mayor and City Council. A search of City Council Meetings from July 31, 2000 through the end of December of that year do not reveal any docketed item to discuss the issue.

History of Charter Amendment Petitions Sufficient and Went to Ballot							
Date petition filed	Date petition certified	Sufficient Y/N	Number of sigs required	Number of sigs submitted	Date of election	Prop	Title of Prop/Petition
9/2/33	9/12/33	Y	10,585	?	12/19/33	I (pass) Y- 22,215 N-5,149	Shall the ordinance prescribing that each Councilman of The City of San Diego shall receive as compensation for his services Ten Dollars (\$10.00) per meeting, and not more than Six Hundred Dollars (\$600.00) in any fiscal year, be adopted? <i>[Charter Section12]</i>
?	?	Y	?	?	4/22/41	XXII (fail) N-18,926 Y-13,375	Amend Article V of the Charter of The City of San Diego, by adding two new sections thereto, to be numbered Sections 58a and 58b (proposed by initiative petition), which proposed changes to work shifts and specified pay for Firefighters.
?	?	?	?	?	4/18/61	I (fail) N-50,277 Y-36,344	Amend paragraph 3 of Section 55 of the Charter of The City of San Diego: Park & Recreation. This amendment sought to exempt Balboa Park from Manager/City Council powers regarding street/hwy opening – had this amendment passed, such decisions would have required a vote by the people.

\*The criteria was 15% of the registered voters that voted in the past State General Election.

History of Charter Amendment Petitions Sufficient and Went to Ballot							
Date petition filed	Date petition certified	Sufficient Y/N	Number of sigs required	Number of sigs submitted	Date of election	Prop	Title of Prop/Petition
?	?	?	?	?	11/3/64	T (fail)  N-120,058 Y-84,709	CITY OF SAN DIEGO CHARTER AMENDMENT. Repeals Section 42; amends Article III; adds Article XV to Charter. Establishes local control of planning and zoning, appointment of one member of Planning Commission by each Councilman and one by Mayor, and removal procedures; grants planning and zoning legislative powers to Commission; provides procedures for repeal of Commission ordinances; details procedures for notices, hearings and administration; requires grant of any requested variance by Commission, unless established competent evidence that such variance is injurious to public health, safety or morals, or incompatible with existing development; places Planning Department under City Manager; provides for repeal by Commission of administrative decisions of City departments contrary to purposes and intent of this Article or ordinances.
?	2/12/80	Y	41,069*	61,652	6/3/80	B (fail)  N-122,306 Y-104,980	INITIATIVE MEASURE AMENDING SECTION 129.1: Removal of Striking Employees. Basically adds: in the event of negotiation impasse, binding arbitration for Police Officers.
		Y			11/4/80	O (fail)  N-241,234 Y-83,979	CITY OF SAN DIEGO CHARTER AMENDMENT INITIATIVE. AMENDS CHARTER OF THE CITY OF SAN DIEGO BY ADDING A NEW SECTION 43.2 ENTITLED, "FAIR RENT BOARDS."

\*The criteria was 15% of the registered voters that voted in the past State General Election.

History of Charter Amendment Petitions Sufficient and Went to Ballot							
Date petition filed	Date petition certified	Sufficient Y/N	Number of sigs required	Number of sigs submitted	Date of election	Prop	Title of Prop/Petition
?	6/20/80	Y	45,176*	62,790	11/4/80	N (fail)  N-174,418 Y-137,008	INITIATIVE MEASURE ADDING SECTION 130.5 which would establish a formula to pay San Diego firefighters salaries equal to the average of salaries paid to firefighters of the five largest cities in California other than San Diego.
		Y			11/3/81	E (fail)  N-80,597 Y-56,690	CITY OF SAN DIEGO CHARTER AMENDMENTS. AMENDS SECTIONS 10, 12 AND 23: Establishes that Councilmembers shall be nominated and elected by district rather than Citywide.
12/23/85	1/10/86	Y	45,254*	73,489	6/3/86	F (fail)  N-98,518 Y-63,848	INITIATIVE MEASURE. AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY ADDING SECTION 130.1 which would establish base pay for Police Officer II, not less than the average of comparable positions of 4 largest cities by population in the State of California.
		Y			11/8/88	E (pass)  Y-176,889 N-168,795	CITY OF SAN DIEGO CHARTER AMENDMENTS. INITIATIVE MEASURE. AMENDS SECTIONS 10, 12 AND 23: Establishes that Councilmembers shall be nominated, elected and recalled by district rather than nominated by district and elected citywide.

\*The criteria was 15% of the registered voters that voted in the past State General Election.

History of Charter Amendment Petitions Sufficient and Went to Ballot							
Date petition filed	Date petition certified	Sufficient Y/N	Number of sigs required	Number of sigs submitted	Date of election	Prop	Title of Prop/Petition
7/20/2000	8/11/2000	Y	85,237	131,302	3/5/2002	E (fail)  N-74,227 Y-88,616  2/3 vote – see Prop F	AMENDS THE SAN DIEGO CITY CHARTER BY ADDING SECTION 76.2 REGARDING GENERAL TAXES: to require that any increase in an existing general tax or imposition of any new general tax be levied by the Council only if the proposed levy has been approved by a two-thirds vote of the qualified City electors.
9/30/11	11/8/11	Y	94,346	144,908	6/5/12	B (pass)  Y-154,216 N-80,126	AMENDS CITY CHARTER REGARDING RETIREMENT BENEFITS: Directs City negotiators to seek limits on a City employee's compensation used to calculate pension benefits; eliminates defined benefit pensions for all new City Officials and employees, except police officers, substituting a defined contribution 401(k)-type plan; requires substantially equal pension contributions from the City and employees; and eliminates a vote of employees or retirees to change their benefits.

\*The criteria was 15% of the registered voters that voted in the past State General Election.