

MEMORANDUM OF LAW

DATE: April 13, 1987

TO: Chris Crotty, Rules Committee Consultant

FROM: City Attorney

SUBJECT: Effect of Proposed Charter Change

Your memorandum of March 13, 1987 asks us whether Neil Good's proposed Charter amendment ballot initiative affects appropriated funds other than the Mayor's and Council's "adopted office budgets." The operative language of the initiative is contained in proposed newly added sections 12.1 and 24.2. We shall address only proposed section 24.2, entitled "Mayor's Office Budget."

Your inquiry is quite clear and speaks for itself. Our opinion is that if passed by the electorate, the initiative and the newly added section 24.2 will apply only to the Mayor's adopted "office budget" as set forth in the official annual appropriation ordinance and budget document prepared in connection therewith as more specifically identified presently in fiscal year 1987 on pages 198 through 200 as Department No. 01000.

The financial affairs of The City of San Diego are prepared by the City Manager and arguably do entail and encompass various cross-departmental and programmatic allocations. The budget funds involved can consist of a spectrum of funds and funding sources allocated for various purposes. However, those funds when adopted are not part of the "adopted office budget" of any given department and, in this case, the Mayor's office. The office budget is submitted, analyzed, and set forth with specificity adequate supporting documentation provided in support thereof in the document entitled "Annual Budget, Fiscal Year 19 .". It includes costs of staffing of the Mayor's office and identifiable expenses in support thereof. Supporting this conclusion is the annual appropriation ordinance Ordinance No. O-16678 (New Series), for fiscal year 1987. Reference thereto on page 2 reflects the "adopted office budget" for the Mayor's

office. And, of course, the Mayor's office is a department of the City see Municipal Code . 22.1801 to which the line item "office budget" authorization applies.

JOHN W. WITT, City Attorney

By

Jack Katz, Chief Deputy

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