



**THE COMMITTEE ON CHARTER REVIEW  
OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO**

**Council President Sherri S. Lightner, Chair  
Councilmember Chris Cate, Vice Chair  
Councilmember Mark Kersey  
Council President Pro Tem Marti Emerald**

**ACTIONS FOR THE COMMITTEE MEETING OF  
THURSDAY, MAY 14, 2015 AT 2:30 P.M.  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET, SAN DIEGO, CA 92101**

**For Information, contact Steven Hadley, Council Committee Consultant  
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**ROLL CALL**

Committee members present: Lightner, Cate, Emerald, Kersey  
Committee members absent: None

**APPROVAL OF COMMITTEE ACTIONS**

The Committee Record of Actions of the following meeting was approved by Unanimous Consent:

**April 16, 2015**

**NON-AGENDA PUBLIC COMMENT:**

Myles Pomeroy on behalf of the League of Women Voters requested the Committee consider adding trash collection, street maintenance, planning, public safety and library services to and removing public health from Charter section 26.1, and consolidate the duties of the Manager,

now Mayor, found in sections 28-30, 32, 260 and 265.

Judith Swink on behalf of the League of Women Voters requested the Committee consider expanding the prohibition on political activities found in section 31 to include elected officers and unsalaried members appointed to officially constituted commissions; require the Funds Commission in section 41a to report annually to the Mayor and Council; use excess water utility revenues in section 53 to offset future rate increases; and noted that the League is still waiting for a definition of the term “public corporation” from the City Attorney’s Office.

David Lundin requested the Committee not change the Charter to allow schools to be built in Balboa Park and strengthen the existing language to prohibit such use.

**COMMITTEE MEMBERS, MAYOR, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY, CITY CLERK, DIRECTOR OF LEGISLATIVE AFFAIRS COMMENT:**

None

**REQUESTS FOR CONTINUANCE:**

None

**DISCUSSION AGENDA:**

ITEM-1: Report from the San Diego Immigrant Rights Consortium requesting a resolution in support of federal immigration policies that would protect the right of all San Diego families to stay together. *(San Diego Immigrant Rights Consortium)*

Motion by Councilmember Emerald urging the City Council to adopt a resolution emphasizing the importance of the Deferred Action of Childhood Arrivals (DACA) and the Deferred Action of Parents of Americans and Lawful Permanent Residents (DAPA) programs that will impact nearly 100,000 families here in the San Diego region, and urging all interested parties to come together and, working with the Director of Legislative Affairs, agree on mutually satisfactory language for presentation to the full Council within 60 days. Second by Chair Lightner.

Passed by the following vote:

Yea: Lightner, Cate, Emerald, Kersey

Nay: None

Recused: None

Not Present: None

ITEM-2: Consideration of the following Charter Article VII Sections trailed from the April 16, 2015, Charter Review Committee meeting; including the options, suggestions and recommendations from the presenters noted parenthetically in italics.

A) § 78 Assessment and Collection of Taxes

Retain only the first sentence of the section, and add “or the City of San Diego” to the end of that sentence. (*Mayor’s Office*)

Motion by Councilmember Kersey to accept the Mayor’s recommendation.  
Second by Councilmember Cate.

Passed by the following vote:

Yea: Lightner, Cate, Emerald, Kersey

Nay: None

Recused: None

Not Present: None

B) § 80 Money Required to be in Treasury

Amend the section to clarify that the requirement to certify funds is based on the actual or anticipated receipt of moneys before the maturity of the obligation. (*Chief Financial Officer*)

Motion by Councilmember Cate to accept the Chief Financial Officer’s recommendation, and request that the Chief Financial Officer and City Attorney return with a shorter, plain-talk language draft of the section. Second by Councilmember Emerald.

Passed by the following vote:

Yea: Lightner, Cate, Emerald, Kersey

Nay: None

Recused: None

Not Present: None

C) § 81 Allotments

Remove the section, because it is obsolete. (*Chief Financial Officer*)

Motion by Councilmember Cate to accept the Chief Financial Officer's recommendation to remove the section. Second by Councilmember Kersey.

Passed by the following vote:

Yea: Lightner, Cate, Emerald, Kersey

Nay: None

Recused: None

Not Present: None

D) § 82 Examination and Investigation of Claims by the Auditor and Comptroller

- 1) Amend the section to permit electronic funds transfer (ACH), wire or other forms of payment. (*Chief Financial Officer*)

Motion by Councilmember Cate to accept the Chief Financial Officer's recommendation to combine sections 82 and 83 if the City Attorney determines that is legally possible, and return with shorter, plain-talk draft language. Second by Councilmember Emerald.

Passed by the following vote:

Yea: Lightner, Cate, Emerald, Kersey

Nay: None

Recused: None

Not Present: None

- 2) Move the section to the municipal code as a Comptroller's role and responsibility. (*Chief Financial Officer*)

No action was taken on this sub-item.

E) § 83 Payment of Claims Against the City

Amend the section to permit electronic funds transfer (ACH), wire or other forms of payment; replace the references to warrants and check warrants with payments and replace the reference to vouchers with approval. (*Chief Financial Officer*)

Action on this section was included in the action taken on section 82 above.

F) § 90 Contracting Bond Indebtedness

Set the voter approval requirement in accordance with State law instead of an automatic two-thirds majority. (*Independent Budget Analyst*)

Motion by Councilmember Cate to accept the Independent Budget Analyst's recommendation, and request the City Attorney return with language removing the second sentence and conforming the section to state law to the fullest extent possible. Second by Councilmember Emerald.

Passed by the following vote:

Yea: Lightner, Cate, Emerald, Kersey

Nay: None

Recused: None

Not Present: None

G) § 90.3 Voter Approval for Major Projects Conferring Significant Private Benefit

Define the terms, "major public project" and "other public infrastructure." (*Chief Financial Officer*)

Motion by Councilmember Emerald to request the City Attorney and Financial Management return with succinct draft language; a definition of the terms "significant private benefit," "major public project," and "other public infrastructure;" and any available legislative history and intent for the section. Second by Councilmember Cate.

Passed by the following vote:

Yea: Lightner, Cate, Emerald, Kersey

Nay: None

Recused: None

Not Present: None

H) § 91 General Reserve Fund

- 1) Clarify the section to reflect the City's current reserve structure. *(Independent Budget Analyst)*

See the action taken on sub-item three below.

- 2) Revert to pre-1962 language or be revised to more clearly state the purpose of maintaining sufficient cash on hand to meet all demands against the treasury until receipt of property taxes; and change the section title to avoid confusion with other reserve funds. *(City Attorney)*

See the action taken on sub-item three below.

- 3) Add a section requiring a "Stability Reserve," including the conditions under which monies will be allocated to such a fund. *(Councilmember Cate)*

Motion by Councilmember Cate to request the Independent Budget Analyst, Financial Management, City Attorney and Councilmember Cate return with succinct, broad language; incorporating the suggestions in sub-items 1), 2) and 3). Second by Chair Lightner.

Passed by the following vote:

Yea: Lightner, Cate, Emerald, Kersey

Nay: None

Recused: None

Not Present: None

I) § 103.1a Environmental Growth Fund

- 1) Streamline the section to reflect current practices and allow more

flexibility in the use of the funds. (*Independent Budget Analyst*)

Motion by Councilmember Cate to remove the section from the Charter.  
Motion failed for lack of second.

Motion by Councilmember Cate to refer the section and municipal code sections regarding the Environmental Growth Fund to the Environment Committee to return with a recommendation regarding the fund going forward. Second by Councilmember Emerald.

Passed by the following vote:

Yea: Lightner, Cate, Emerald, Kersey

Nay: None

Recused: None

Not Present: None

- 2) Remove the section or adjust the funding level. (*Chief Financial Officer*)

See the action take on sub-item 1) above.

ITEM-3: Consideration of the following Charter Article V Sections including the options, suggestions and recommendations from the presenters noted parenthetically in italics.

- A) § 39 Chief Financial Officer

Amend the section to make it consistent with section 80. (*Chief Financial Officer*)

Motion by Councilmember Cate to request the Chief Financial Officer return with language making the section compatible with section 80 per the direction given on that section. Second by Councilmember Emerald.

Passed by the following vote:

Yea: Lightner, Cate, Emerald, Kersey

Nay: None

Recused: None

Not Present: None

B) § 39.2 City Auditor

1. Clarify that the Audit Committee may take lesser forms of discipline (warning, suspension, etc) against the City Auditor if necessary. (*City Attorney*)

Motion by Councilmember Cate to keep the language in the section as is, except to use gender neutral language and change the references to the City Manager to read Mayor. Second by Chair Lightner.

Passed by the following vote:

Yea: Lightner, Cate, Emerald, Kersey

Nay: None

Recused: None

Not Present: None

2. Clarify the Auditor's audit authority to include income and expenditures of external entities that are required to remit funds to the City through mechanisms such as the Transient Occupancy Tax, franchise fees, and leases. (*San Diego and Imperial Counties Labor Council*)

At the presenter's request, the sub-item was continued to the June 11, 2015, meeting.

C) § 39.3 Independent Budget Analyst

Update the office's name to the "Office of the Independent Budget and Policy Analyst". (*Independent Budget Analyst*)

Motion by Councilmember Emerald to accept the Independent Budget Analyst's recommendation, and in addition, change the words "shall have the right to establish" in the first sentence to read "shall establish." Second by Councilmember Lightner.



Passed by the following vote:

Yea: Lightner, Emerald, Kersey

Nay: Cate [Supported the name change, objected the mandatory language]

Recused: None

Not Present: None

D) § 41.c City Planning Commission

Move the portions of the sub-section addressing the duties and membership composition, selection, and terms of the Commission from the Charter to the Municipal Code. *(Council President Lightner)*

Due to time constraints, the sub-item was trailed to a future meeting, date to be determined.

E) § 41.d Ethics Commission

1. Amend the Charter to allow appointments to be made by a panel of retired judges or some other independent individuals or group. *(City Attorney)*

The suggestion failed for lack of a motion.

2. Consideration of language to solidify the Ethics Commission's existence in the Charter. *(Ethics Commission)*

Motion by Councilmember Cate to request the City Attorney and Ethics Commission return with language formalizing the Ethics Commission in the Charter. Second by Chair Lightner.

Passed by the following vote:

Yea: Lightner, Cate, Emerald, Kersey

Nay: None

Recused: None

Not Present: None

F) § 43 Advisory Boards and Committees

Consideration of potential changes to the section. *(Council President Lightner)*

Due to time constraints, the sub-item was trailed to a future meeting, date to be determined.

G) § 55 Park and Recreation

1. Allow educational organizations to lease/build buildings on public park land, specifically, Balboa Park. *(New Museum School, The Protect Our Communities Foundation)*

At the presenters' request the sub-item was continued to the June 11, 2015, meeting.

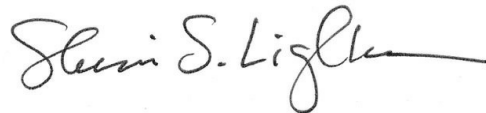
2. Change the section so the City Treasurer administers the Cemetery Funds. *(Mayor's Office)*

At the presenter's request, the sub-item was pulled.

H) § 64 Support of Educational and Cultural Institutions

Remove the section, because it is redundant with established practice. *(Mayor's Office)*

Due to time constraints, the sub-item was trailed to a future meeting, date to be determined.



Sherri S. Lightner  
Chair