



**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, AUGUST 6, 2015 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET, SAN DIEGO, CA 92101**

**For Information, contact Steven Hadley, Council Committee Consultant
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Committee members present: Lightner, Cate, Kersey, Emerald

APPROVAL OF COMMITTEE ACTIONS:

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

July 2, 2015

NON-AGENDA PUBLIC COMMENT: Beryl Flom on behalf of the League of Women Voters asked the Committee to depoliticize the nominating process for the Ethics Commission by amending the Charter to provide for a neutral and detached panel of former judges or academics to confirm nominees.

COMMITTEE MEMBERS, MAYOR, INDEPENDENT BUDGET ANALYST, CITY

ATTORNEY, CITY CLERK, DIRECTOR OF LEGISLATIVE AFFAIRS COMMENT:

Felipe Monroig on behalf of the Mayor's Office pulled Item 1.B.3 from the agenda.

REQUESTS FOR CONTINUANCE: None

DISCUSSION AGENDA:

ITEM-1: Consideration of sections of Charter Article IX, The Retirement of Employees, including the options, suggestions and recommendations from the presenters noted parenthetically in italics.

- A) § 140 Establishment of Separate Retirement Pension Systems: Definitions
Expand the list of employees excepted from mandatory participation in the defined contribution plans authorized in Sections 150 and 151 to include police recruits participating in the City's Police Academy as well as sworn police officers.
(San Diego City Employees' Retirement System and City Attorney)

Motion by Councilmember Cate to accept the recommendation and request the City Attorney draft revised language for the section accordingly. Second by Councilmember Emerald.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present: None

- B) § 141 City Employees' Retirement System
1. Amend the section to allow an employee's reciprocal service between SDCERS and CalPERS to count toward vesting to establish eligibility for benefits.
(San Diego City Employees' Retirement System)

Motion by Councilmember Cate to accept the recommendation placing it as sub-item (e) in section 141 and using broad, timeless language that does not reference specific entities other than the Board of Administration. Second by Councilmember Emerald.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present: None

2. Change the terms “firemen” to read “firefighters” and “policemen” to read “police officers” throughout the section. (*Mayor’s Office*)

Motion by Councilmember Emerald to accept the Mayor’s recommended language. Second by Chair Lightner.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present: None

3. Amend the section to reflect the new decision from SDCERS regarding COLA for spouses who receive benefits from a spouse who died in the line of duty. (*Mayor’s Office*)

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

c) § 141.1 Reform of Sworn Officer Defined Benefit Plan

Expand the coverage of the defined benefit pension plan to include police recruits participating in the City’s Police Academy as well as sworn police officers. (*San Diego City Employees’ Retirement System*)

Motion by Councilmember Cate to accept the recommendation and request the City Attorney draft revised language for the section accordingly. Second by Councilmember Emerald.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present: None

- D) § 141.2 Full and Fair Employee Contributions for the Defined Benefit Pension Plan
Amend the section to allow the City Council to adopt an ordinance allowing the City to agree to pay to SDCERS all or any portion of overpayment of benefits or underpayment of contributions caused by the negligence of a City employee.
(San Diego City Employees' Retirement System)

Motion by Councilmember Emerald to refer the recommendation to the Independent Budget Analyst and San Diego City Employees' Retirement System for financial analysis and the City Attorney for legal analysis, including answering the question of whether the issue raised could be addressed through the meet and confer process with the municipal employee unions or contractually with the San Diego City Employees' Retirement System. Second by Councilmember Cate.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present: None

- E) § 142.1 Add a new section to codify the Board of Administration's authority to hire and retain its own independent legal counsel. *(San Diego City Employees' Retirement System)*

Motion by Councilmember Emerald to accept the recommendation placing it as sub-item (g) in section 144 and using plain-talk language. Second by Councilmember Cate.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present: None

- F) § 144 Board of Administration
1. Clarify the staggering of 4-year terms for the seven inaugural Board of Administration appointments. *(San Diego City Employees' Retirement System)*

Motion by Councilmember Emerald to place the recommended language in the

Municipal Code. Second by Councilmember Cate.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present: None

2. Change the City management employee board member options in subsection (f) to include the Chief Operating Officer or Assistant Chief Operating Officer instead of the City Manager; and change the appointing, directing and reporting authority to the Mayor instead of the City Manager. (*San Diego City Employees' Retirement System*)

Motion by Councilmember Emerald to refer the section to the Mayor's Office to return with recommended timeless language referencing who should serve as the City management employee board member. Second by Chair Lightner.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present: None

3. Amend the section to give the Board of Administration all powers and duties provided in the Declaration of Group Trust for the SDCERS Group Trust effective July 1, 2007 and any amendments or successor trusts. (*San Diego City Employees' Retirement System*)

Motion by Councilmember Emerald to request the City Attorney return with legal analysis regarding the implications of the revising the Charter as recommended and naming specific trusts in the Charter. Second by Councilmember Cate.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present: None

4. Amend the section to give the Board of Administration the sole authority to invest in classes or types of investments it deems prudent beyond those investment options already established or authorized by General Law. (*San Diego City Employees' Retirement System*)

Motion by Councilmember Cate to consider making this change, but have the City Attorney take a look at it and provide comments on it, and work with the San Diego City Employees' Retirement System's counsel on it as well. Second by Chair Lightner.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present: None

5. Amend subsections (b), (c), (d) and (e) of Charter section 144 to allow employees and retirees of Contracting Public Agencies to run for the elected seats on the Board of Administration and give the Unified Port District and Regional Airport Authority employees meaningful representation on the Board of Administration. (*San Diego City Employees' Retirement System*)

Motion by Councilmember Cate to request the City Attorney review the San Diego City Employee's Retirement System's legal analysis and determination that Unified Port District and Regional Airport Authority members cannot run for Board of Administration seats; and if the current Charter language is not satisfactory to allow them to do so, draft language that will. Second by Councilmember Emerald.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present: None

G) § 149 Contracting Public Agencies

Amend the section so that any Board of Administration policies, rules or regulations affecting the Port District are subject to good faith consultation with the District prior to their approval and enactment. (*Unified Port of San Diego*)

The recommendation failed for lack of a motion.

H) Article X - Transfer of Police and Fire Department Employees into the Retirement System.

Report from the San Diego City Employee's Retirement System Board of Administration regarding the City Attorney's option to repeal Article X.

Motion by Councilmember Cate to repeal Article X. Second by Councilmember Emerald.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present: None

ITEM-2: Consideration of sections of Charter Article XIV, Miscellaneous Provisions, including the options, suggestions and recommendations from the presenters noted parenthetically in italics.

A) § 215 Publicity of Records

Repeal the section as it is no longer necessary. (*City Attorney*)

Motion by Councilmember Cate to repeal sections 215 and 216 as the City Attorney recommends. Second by Councilmember Emerald.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present: None

B) § 216 Copies of Records

Repeal the section as it is no longer necessary. (*City Attorney*)

Motion by Councilmember Cate to repeal sections 215 and 216 as the City Attorney recommends. Second by Councilmember Emerald.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present: None

c) § 226 Super Majority Vote Requirements

Substitute the court ordered language that now appears in italics for the original language overruled by the court. (*City Attorney*)

Motion by Councilmember Cate to accept the City Attorney's recommendation.
Second by Councilmember Emerald.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present: None

Sherri S. Lightner
Chair