



**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  
WEDNESDAY, NOVEMBER 4, 2015 AT 9:00 A.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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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:

**October 8, 2015**

**NON-AGENDA PUBLIC COMMENT:** Martha Sullivan, on behalf of Women Occupy San Diego, encouraged the Committee to adopt changes to the Citizen’s Review Board on Police Practices that were proposed at the June 11, 2015, meeting including independent investigative and subpoena authority.

Beryl Flom, on behalf of the League of Women Voters, requested that backup material for the

December 3 meeting be available before the Thanksgiving break instead of the Monday after the holiday, and that Charter section 77 mandate a two thirds vote of the citizens if capital outlay funds are used for purposes other than outlined.

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

None

**REQUESTS FOR CONTINUANCE:** None

ITEM-1: Reconsideration of Items 1, 2, 3 and 4 from the October 8, 2015, Charter Review Committee meeting for the sole purpose of requesting that the actions voted be heard at City Council as soon as possible rather than January 13, 2016.

Motion by Councilmember Kersey to suspend the Permanent Rules of Council.  
Second by Councilmember Cate.

Passed by the following vote:

Yea: Lightner, Cate, Kersey

Nay: None

Recused: None

Not Present: Emerald

Motion by Councilmember Kersey to reconsider the approval of Items 1, 2, 3 and 4 at the October 8, 2015, meeting for the purpose of resetting a future hearing date.  
Second by Councilmember Cate.

Passed by the following vote:

Yea: Lightner, Cate, Kersey

Nay: None

Recused: None

Not Present: Emerald

Motion to consider Items 1, 2, 3 and 4 from the October 8, 2015, meeting at the December 8, 2015, City Council meeting instead of at the January 13, 2016 Council meeting

Passed by the following vote:

Yea: Lightner, Cate, Kersey

Nay: None

Recused: None

Not Present: Emerald

Motion by Councilmember Kersey to amend the Actions of October 8, 2015, to reflect the above change of hearing date.

Passed by the following vote:

Yea: Lightner, Cate, Kersey

Nay: None

Recused: None

Not Present: Emerald

### **DISCUSSION AGENDA :**

Current Charter language considered or referenced in the following items can be found in the CITY CHARTER.

ITEM-2: Consideration of proposed changes to the following Article VII – Finance provisions and related Charter sections in response to prior Committee discussion.

A) § 70 Power to Fix Salaries

*(Chief Financial Officer, Independent Budget Analyst, City Attorney)*

Motion by Councilmember Kersey requesting the City Attorney, Independent Budget Analyst and Chief Financial Officer review the consolidated section 70 and return with language clarifying options the Committee discussed including mid-year salary adjustments and the totality of what the Council approves when it “fixes salaries.”  
Second by Councilmember Cate.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present:

B) § 84 Money to be Drawn from Treasury in Accordance with Appropriation

*(Chief Financial Officer)*

Motion by Councilmember Kersey to approve the recommended language, but as the League of Women Voters’ November 4, 2015, letter suggested, divide the last sentence into three sentences by inserting a period after the words “be subject to reappropriation” and after “works that will not be completed within the year”.  
Second by Councilmember Cate.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None  
Not Present:

- C) §90.3 Voter Approval for Major Public Projects Conferring Significant Private Benefit. (*Chief Financial Officer*)

Motion by Councilmember Kersey to not change the section. Second by Councilmember Emerald.

Passed by the following vote:  
Yea: Lightner, Cate, Kersey, Emerald  
Nay: None  
Recused: None  
Not Present:

ITEM-3: Consideration of proposed changes to the following Article V – Executive and Administrative Service provisions and related Charter sections in response to prior Committee discussion.

- A) § 26 Administrative Code (Powers of Departments and Administrative Offices)  
Consideration of comparative information presented in Independent Budget Analyst's Report 15-38 as it relates to the Council's authority to reorganize departments and the Charter section 26 options presented in the City Attorney's February 5, 2014, Report to the City Council. (*Independent Budget Analyst, City Attorney*)

Motion by Councilmember Emerald to accept the Independent Budget Analyst's report, not change the section and affirm the current reading that the Mayor may propose reorganization and creation of new departments, but the Council must approve such changes. Second by Councilmember Kersey.

Passed by the following vote:  
Yea: Lightner, Cate, Kersey, Emerald  
Nay: None  
Recused: None  
Not Present:

- B) § 26.1 Public Services Required  
Approve an updated list of broad category, timeless and essential services. (*Mayor's Office*)

Motion by Councilmember Kersey to remove the section from the Charter and consider including a list of broad category, timeless and essential services in a preamble, pending legal review. Second by Councilmember Cate.

Passed by the following vote:  
Yea: Lightner, Cate, Kersey, Emerald  
Nay: None  
Recused: None  
Not Present:

C) § 32.1 Responsibility of Managers and Officers

Consider amending the section to clarify that the duty to provide information is self-executing and information must be provided to the Council prior to its decisions, and whether to provide a mechanism for enforcement, and if so, whether to place this mechanism in the Municipal Code or Charter. (*Independent Budget Analyst*)

Motion by Councilmember Emerald requesting the Independent Budget Analyst, City Attorney, Mayor's Office, Director of Legislative Affairs and Committee Consultant return by January 13, 2016, with recommended language including a legal analysis of subpoena power for the Council in the Charter or Municipal Code if appropriate, and legal analysis of the relationship between this section and other provisions addressing the strong mayor form of government and identification of any other issues. Second by Chair Lightner.

Passed by the following vote:  
Yea: Lightner, Cate, Kersey, Emerald  
Nay: None  
Recused: None  
Not Present:

D) § 41(c) City Planning Commission

Consideration of language addressing the duties, membership composition, selection and terms of the Commission for purposes of placement in the Municipal Code instead of the Charter. (*Mayor's Office*)

The sub-item was continued at the request of the Mayor's Office.

E) § 42 Membership Selection

Consideration of a legal opinion regarding the appropriate use of classification language based on state and federal law. (*City Attorney*)

Motion by Councilmember Cate to remove "sex, race" from the list of considerations when selecting appointees to City boards, commissions, committees and panels.

Second by Councilmember Emerald.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present:

F) § 43 Advisory Boards and Committees

Consideration of an updated City Attorney's Chart for Charter Section 43 Boards and Commissions noting Brown Act compliance, conflict of interest disclosure, reporting to the City Council, indemnification and a regular sunset review process. *(City Attorney)*

Motion by Councilmember Cate directing the City Attorney in conjunction with the City Clerk, Director of Legislative Affairs and Mayor's Director of Boards and Commissions to return with a comprehensive review of the listed issues for all City boards, commissions, committees and panels in the Charter and Municipal Code; identifying any legal issues and providing appropriate recommendations. Second by Councilmember Emerald.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present:

ITEM-4: Consideration of proposed changes to Article II provisions addressing redistricting including sections 5, 5.1 and related Charter sections in response to prior Committee discussion. *(City Clerk)*

Motion by Councilmember Cate to accept the recommended language as amended by Councilmember Kersey to clarify in the Municipal Code what qualifies or disqualifies a former judge for or from service in appointing a Redistricting Commission, and as amended by Chair Lightner to provide for an alternate so three judges vote on Redistricting Commission appointees in lieu of a two-member quorum making the appointments. To use the Municipal Code as much as possible to define and outline the Redistricting process. To forward the amended recommendation to the December 8, 2016, Council meeting. Second by Councilmember Emerald.

Passed by the following vote:  
Yea: Lightner, Cate, Kersey, Emerald  
Nay: None  
Recused: None  
Not Present:

ITEM-5: City Attorney's review of and Committee consideration of the Charter Review process going forward. (*City Attorney*)

No action was taken in response to the report.

ITEM-6: Consideration of changes to Municipal Code Section 22.0101: Permanent Rules of Council. (*Director of Legislative Affairs*)

Motion by Councilmember Kersey to schedule Monday City Council meetings one Monday each month. Second by Councilmember Cate.

The motion failed by the following vote; therefore, it was forwarded to Council with no recommendation:

Passed by the following vote:  
Yea: Cate, Kersey  
Nay: Lightner, Emerald  
Recused: None  
Not Present:

Motion by Councilmember Kersey to set the time for the Tuesday City Council meetings for 10:00 a.m. – 6:00 p.m. with Closed Session beginning at 1:00 p.m. Second by Councilmember Cate.

Passed by the following vote:  
Yea: Lightner, Cate, Kersey  
Nay: Emerald  
Recused: None  
Not Present:

Motion by Councilmember Kersey to approve all of the remaining recommended changes to the Permanent Rules of Council not addressed above. Second by Councilmember Emerald.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present:

Sherri S. Lightner  
Chair