



**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, DECEMBER 3, 2015 at 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL 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, Kersey, Emerald
Committee members absent: Cate

APPROVAL OF COMMITTEE ACTIONS:

The Committee Record of Actions of the following meetings were approved by Unanimous Consent:

November 4, 2015

October 8, 2015, Revised

NON-AGENDA PUBLIC COMMENT: John Stump, requested the Committee add a section to the Charter that would sunset taxes, laws and regulations, absent a vote of the people.

Anne Barron, on behalf of Women Occupy San Diego, requested an update on the discussion of section 43(d) - Citizen's Review Board on Police Practices and invited the Committee to watch a news story on the subject that evening.

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

None

REQUESTS FOR CONTINUANCE: None

DISCUSSION AGENDA:

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

ITEM-1: Consideration of proposed preamble language for the Charter

Motion by Councilmember Emerald to approve the League of Women Voters' December 3, 2015, proposed preamble, and incorporate the list of required basic services found in the November 24, 2015, proposal presented to the Committee. The Committee directed the Director of Legislative Affairs to return to the January 13, 2016, meeting with melded language, and the City Attorney to return at the same time with legal review of the legal effect of adding a preamble to the Charter. Second by Chair Lightner.

Passed by the following vote:

Yea: Lightner, Emerald

Nay: Kersey

Recused: None

Not Present: Cate

ITEM-2: 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) § 41(c) City Planning Commission

Consideration of language formalizing the Planning Commission in the Charter, but placing the duties, membership composition, selection and terms of the Commission in the Municipal Code.

Motion by Councilmember Emerald to approve the proposed language and refer it to the full Council, subject to legal review. Second by Councilmember Kersey.

Passed by the following vote:

Yea: Lightner, Kersey, Emerald

Nay: None

Recused: None

Not Present: Cate

B) § 41(d) Ethics Commission

Consideration of language formalizing the Ethics Commission in the Charter.

Motion by Councilmember Kersey to change the name of “The City of San Diego Ethics Commission” to “The City of San Diego Fair Political Practices Commission”, approve a legally sufficient, high level version of the proposed language with details placed in the Municipal Code, and refer it to the full Council, subject to legal review. Second by Chair Lightner.

Passed by the following vote:

Yea: Lightner, Kersey

Nay: Emerald

Recused: None

Not Present: Cate

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

A) §77A Provisions for Zoological Exhibits

Consideration of no action from the Environment Committee.

The Committee directed the Mayor’s staff and Independent Budget Analyst to draft a plan whereby the City with the Zoo’s cooperation could leverage the zoological exhibit tax for a general obligation bond benefiting Balboa Park, and the City Attorney to provide legal analysis of such a plan.

B) §103.1A Environmental Growth Fund

Consideration of recommendation(s) from the Environment Committee.

Motion by Councilmember Kersey to leave the section's language as it is, and request the Environment Committee consider removing the waiver requirement restricting the use of the funds found in the related Municipal Code sections. Second by Councilmember Emerald.

Passed by the following vote:

Yea: Lightner, Kersey, Emerald

Nay: None

Recused: None

Not Present: Cate

ITEM-4: Consideration of proposed changes to the following Article VIII – Civil Service and related Charter sections in response to prior Committee discussion.

A) §118 Rules

Consideration of language amending the section to comply with state law.

Motion by Councilmember Emerald to amend the section to comply with state law and refer it to the full Council. Second by Chair Lightner.

Passed by the following vote:

Yea: Lightner, Emerald

Nay: Kersey

Recused: None

Not Present: Cate

B) §129.1 Removal of Striking Employees

Consideration of language conforming the section to state law.

Motion by Councilmember Emerald to approve amending the section to comply with state law, refer it to the Labor Relations negotiating team for meet and confer, and then refer it to the full Council, subject to legal review. Second by Chair Lightner.

Passed by the following vote:

Yea: Lightner, Kersey, Emerald

Nay: None

Recused: None

Not Present: Cate

ITEM-5: Consideration of proposed changes to the following Article IX – The Retirement of Employees and related Charter sections in response to prior Committee discussion.

A) §141 City Employees' Retirement System

Consideration of language in a newly created sub-item (e) to allow an employee's reciprocal service between SDCERS and CalPERS to count toward vesting to establish eligibility for benefits, and broad, timeless language that does not reference specific entities other than the Board of Administration.

Motion by Councilmember Emerald to approve the proposed language, refer it to the Labor Relations negotiating team for meet and confer, and then refer it to the full Council, subject to legal review. Second by Chair Lightner.

Passed by the following vote:

Yea: Lightner, Kersey, Emerald

Nay: None

Recused: None

Not Present: Cate

B) §141.2 Full and Fair Employee Contributions for the Defined Benefit Pension Plan

Consideration of an analysis of whether the City should pay SDCERS all or any portion of overpayment of benefits or underpayment of contributions caused by the negligence of a City employee, and whether doing so could be addressed through the meet and confer process with the municipal employee unions or contractually with the San Diego City Employees' Retirement System.

The sub-item was continued until the San Diego City Employees' Retirement System can return with a completed analysis of future over/under payment costs.

C) §144 Board of Administration (SDCERS Board)

1. Consideration of proposed Municipal Code language clarifying the staggering of 4-year terms for the seven inaugural Board of Administration appointments.

Motion by Councilmember Emerald to approve the proposed language and refer it to the full Council. Second by Councilmember Kersey.

Passed by the following vote:

Yea: Lightner, Kersey, Emerald

Nay: None

Recused: None

Not Present: Cate

2. Consideration of timeless language referenced in sub-section (f) regarding who should serve as the City management employee Board member, and changing the appointing, directing and reporting authority to the Mayor instead of the City Manager.

Motion by Councilmember Emerald to change the references from "City

Manager” to “Mayor”, end sub-section (f) with “to serve at the pleasure of the Mayor.”, delete the remainder of the sub-section (f) and refer it to the full Council. Second by Councilmember Kersey.

Passed by the following vote:

Yea: Lightner, Kersey, Emerald

Nay: None

Recused: None

Not Present: Cate

3. Consideration of City Attorney Report regarding the following Charter section 144 proposed amendments by the San Diego City Employee Retirement System.

- a. Proposal to amend section 144 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 naming specific trusts in the Charter.

Referred to the Economic Development & Intergovernmental Relations Committee for a recommendation on the policy question regarding amending section 144 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 naming specific trusts in the Charter.

- b. Proposal to amend section 144 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.

Referred to the Economic Development & Intergovernmental Relations Committee for a recommendation on the policy question regarding amending section 144 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.

- c. Proposal to amend section 144 to answer the question whether Unified Port District and Regional Airport Authority members can run for Board of Administration seats.

Referred to the Economic Development & Intergovernmental Relations Committee for a recommendation on the policy question regarding amending section 144 to answer the question whether Unified Port District and Regional Airport Authority members can run for Board of Administration seats.

4. Consideration of adding a new sub-item (g) to the section codifying the Board of Administration’s authority to hire and retain its own independent legal counsel.

Motion by Councilmember Emerald to approve the San Diego City Retirement System's language proposed as a new section 142.1, to be placed where the City Attorney determines appropriate in Article IX. Second by Chair Lightner.

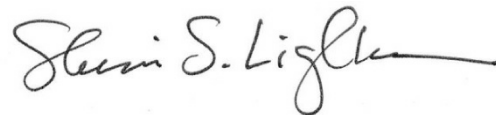
Passed by the following vote:

Yea: Lightner, Kersey, Emerald

Nay: None

Recused: None

Not Present: Cate

A handwritten signature in black ink, reading "Sherri S. Lightner". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Sherri S. Lightner
Chair