



**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, FEBRUARY 3, 2016, AT 9:00 A.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, Cate, Kersey and Emerald

APPROVAL OF COMMITTEE ACTIONS:

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

January 13, 2015

NON-AGENDA PUBLIC COMMENT: Martha Sullivan and Margaret Kuchnia, commented on proposed reform of the Citizen’s Review Board on Police Practice.

COMMITTEE MEMBERS, MAYOR, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY: None

REQUESTS FOR CONTINUANCE: None

DISCUSSION AGENDA:

ITEM 1: Consideration of proposals regarding section 23 – Initiative, Referendum and Recall, and section 108 – Forfeiture of Office for Fraud provisions and related Charter sections.

A) Consideration of options that would clarify what constitutes cause for removal and how to remove an elected official from office. (*City Attorney*)

Motion by Councilmember Emerald requesting the Independent Budget Analyst, Mayor’s Office, Committee Consultant and Director of Legislative Affairs work with the City Attorney to study similarly situated jurisdictions and return with:

1. A comprehensive list of what constitutes “cause” for removal from office.
2. Clear line and process of succession for the Mayor and City Attorney similar to what currently exists for Councilmembers.
3. Complete outline of authority and operations for a succeeding Mayor and City Attorney like currently exists for the City Council.

Second by Councilmember Cate.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present: None

B) Consideration of benchmarking information regarding signatures required for a referendary petition.

Motion by Councilmember Kersey to not change the five percent (5%) requirement for signatures for a referendum. 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 proposed changes to the following Article V – Executive and Administrative Service provisions and related Charter sections.

A) § 26.1 – Public Services Required
Consideration of recommended language listing broad category, timeless and

essential city services. *(Mayor's Office)*

Motion by Councilmember Cate to accept the proposed language as presented by the Mayor's Office, subject to legal review. Second by Councilmember Emerald.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present: None

B) § 32.1 – Responsibility of Managers and Officers

Consideration of recommended language for the section including a legal analysis Of subpoena power for the Council in the Charter or Municipal Code and the relationship between this section and other provisions addressing the strong mayor form of government and other related issues. *(Mayor's Office and City Attorney)*

Motion by Councilmember Emerald to accept the proposed language as presented by the Mayor's Office, subject to legal review. Second by Councilmember Cate.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present: None

C) § 43 – Advisory Boards and Committees

Consideration of a comprehensive review of Brown Act compliance, conflict of interest disclosure, reporting to the City Council, indemnification, sunset process and related issues for all City boards, commissions, committees and panels in the Charter and Municipal Code. *(City Clerk and City Attorney)*

Motion by Councilmember Cate to refer the list of advisory boards and commissions to the Rules Committee to activate or remove the inactive groups, and consider creating a sunset provision when establishing a new advisory board or commission going forward. Second by Councilmember Kersey.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present: None

D) § 55 – Park and Recreation

- 1) Consideration of proposed language clarifying that Junior Lifeguard and Aquatic Education Programs and Facilities are appropriate use of dedicated park land. *(San Diego Junior Lifeguard Foundation)*

Motion by Councilmember Emerald to request that the Mayor's Office work with San Diego Jr. Lifeguards to try to accommodate the request without doing so through a Charter amendment. Second by Councilmember Kersey.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present: None

- 2) Consideration of an amendment that would allow existing San Diego Unified School District facilities to remain in Balboa Park. *(San Diego Unified School District)*

Motion by Councilmember Emerald to not amend the Charter. Second by Chair Lightner.

Passed by the following vote:

Yea: Lightner, Cate, Kersey, Emerald

Nay: None

Recused: None

Not Present: None

- ITEM 3: Consideration of a proposal to remove the following and any related sections from the Charter and place any necessary language in the Municipal Code: Section 35 – Purchasing Agent, 94 – Contracting, 94.1 – Job Order Contracts, 94.2 – Design Build Contracts, 94.3 – Bond Reimbursement Program, 94.4 – Construction Manager at Risk Contracts, 97 – Collusion in Bidding, 98 – Alteration of Contracts, 99 – Continuing Contracts, 100 – No Favoritism in Public Contracts, 101 – When Contracts and Agreements are Invalid, Continuance of Contracts and 103 – Franchises. *(Mayor's Office)*

Motion by Councilmember Cate requesting a working group consisting of staff from the Public Works Department, Purchasing and Contracting Department, Mayor's office, Independent Budget Analyst, City Attorney, Committee Consultant and Director of Legislative Affairs return with some short, plain, introductory and overarching language for the Charter that says we will do what it takes to deliver the best value to the City and Citizens we serve; and move whatever specific language we need to implement improvements and efficiencies in our purchasing and contracting process to the Municipal Code. Second by Chair Lightner.

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

ITEM 4: Consideration of a motion to reconsider and reconsideration of actions taken at the December 3, 2015, Charter Review Committee for Item 5.C.3.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; and Item 5.C.3.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. (*Committee Chair*)

A) Consideration of a motion to reconsider the actions taken.

Motion by Councilmember Kersey to reconsider the actions on Items 5.C.3.a and 5.C.3.b at the December 3, 2015, meeting. Second by Councilmember Emerald.

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

B) Reconsideration of the actions taken.

Motion by Councilmember Emerald to refer Items 5.C.3.a and 5.C.3.b on the December 3, 2015, agenda to the Budget and Government Efficiency Committee for a recommendation. Second by Councilmember Cate.

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

Sherri S. Lightner
Chair