



**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, APRIL 20, 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
Email: charterreview@sandiego.gov or Phone: (619) 533-5906**

Committee members present: Lightner, Kersey, Cate, and Emerald

APPROVAL OF COMMITTEE ACTIONS:

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

March 23, 2015

NON-AGENDA PUBLIC COMMENT: Martha Welch, requesting that those who speak during non-agenda public comment be given three minutes to do so.

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

REQUESTS FOR CONTINUANCE: None

DISCUSSION AGENDA:

ITEM 1: Consideration of recommendations from the Public Safety and Livable Neighborhoods Committee to amend section 43(d) – Citizen’s Review Board on Police Practices and related Charter sections. (*Public Safety & Livable Neighborhoods Committee, Citizen’s Review Board on Police Practices and Women Occupy San Diego.*)

Motion by Chair Lightner to 1) approve the following recommended Charter changes: a) Rename the Citizen’s Review Board as the Community Review Board on Police Practices, b) Replace references to the City Manager with Mayor and City Council, and c) Add to the Charter that the Review Board shall review all cases involving in-custody deaths and officer-related shootings; and

2) Recommend to the Mayor’s Office the following changes in policies and practices could be implemented now and codified in the Municipal Code if the voters approve the above Charter changes: a) Extend the terms of the volunteers from one year to two years, b) Develop a process by which Community Review Board members can audit Category II complaints and pull specific cases for review, c) Include funding for independent counsel to provide additional advisory capacity to the Community Review Board, d) Provide additional Community Review Board staff resources, and e) Enhance the accessibility of policies and procedures; and

3) Request the City Attorney: a) Conduct legal analysis as to whether more information can be provided in the Case Review Rationale and Complaint Letters and b) Bring forward a contract for independent counsel for the Community Review Board to the full Council for approval in Fiscal Year 2017.

Second by Councilmember Emerald.

Passed by the following vote:

Yea: Lightner, Kersey, Cate, Emerald

Nay: None

Recused: None

Not Present: None

ITEM 2: Consideration of the following sections from Article IX – Retirement of Employees in response to prior Committee discussion.

- A) § 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.

Motion by Councilmember Cate to take no action. Second by Councilmember Emerald.

Passed by the following vote:

Yea: Lightner, Kersey, Cate, Emerald

Nay: None

Recused: None

Not Present: None

- B) § 144 Board of Administration

1. 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. (*Budget & Government Efficiency Committee*)

Motion by Chair Lightner to accept the Budget & Government Efficiency Committee's recommendation and oppose the proposed amendment. Second by Councilmember Emerald.

Passed by the following vote:

Yea: Lightner, Kersey, Cate, Emerald

Nay: None

Recused: None

Not Present: None

2. 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. (*Budget & Efficiency Committee*)

Motion by Councilmember Cate to accept the Budget & Government Efficiency Committee's recommendation and oppose the proposed amendment. Second by Chair Lightner.

Passed by the following vote:

Yea: Lightner, Kersey, Cate, Emerald

Nay: None

Recused: None

Not Present: None

3. 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. (*Economic Development & Intergovernmental Relations Committee.*)

Motion by Chair Lightner to respond to the suggestion as the Economic Development & Intergovernmental Relations Committee did, and take no action. Second by Councilmember Emerald.

Passed by the following vote:

Yea: Lightner, Kersey, Cate, Emerald

Nay: None

Recused: None

Not Present: None

ITEM 3: Consideration of proposals to amend section 23 – Initiative, Referendum and Recall, and section 108 – Forfeiture of Office for Fraud provisions and related Charter sections to address removal from office and succession of elected officials.

No action was taken. The preliminary report was reviewed and returned to staff for further work.

ITEM 4: Consideration of proposed amendments to Charter provisions related to City contracting, including sections 35 – Purchasing Agent, 94 – Contracts, 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 Building, 98 – Alteration in Contracts, 99 – Continuing Contracts, 100 – No Favoritism in Public Contracts and 102-Continuance of Contracts. (*Mayor's Office and Purchasing*

& Contracting)

Motion by Chair Lightner to change the title of section 97 to read, “No Collusion in Bidding,” and otherwise approve and forward the proposed language to City Council for review; and direct the City Attorney’s Office to prepare the necessary ballot language and ordinances to be placed on the November 2016 ballot, subject to legal review. Second by Councilmember Cate.

Passed by the following vote:

Yea: Lightner, Kersey, Cate, Emerald

Nay: None

Recused: None

Not Present: None

ITEM 5: Consideration of the proposed repeal of Charter section 113 – Official Advertising and proposed amendments to Charter sections related to public noticing, including sections 18 – Publication of Ordinance and Resolutions, 35 – Purchasing Agent, 99 – Continuing Contracts, and 114 – Bureau of Information and Publicity. *(City Clerk and Director of Legislative Affairs)*

Motion by Councilmember Cate to 1) Repeal Charter section 113 and request that the City Attorney’s Office conduct legal review to evaluate if the repeal can be included within the proposed ballot measure to update the Charter sections on Purchasing and Contracting, 2) Refer possible Municipal Code changes and procedural changes regarding publication within the “official city newspaper” and the use of the “City Bulletin” to the Rules Committee; 3) Request the Intergovernmental Relations staff review the Legislative Platform and include lobbying for and/or proactively seek changes to the State mandated publication requirements that specify hard-copy printing in a newspaper of general circulation; and 4) Request the City Attorney’s Office complete legal review of the “single subject rule” as to whether the Charter section 113 repeal can be included with the Purchasing & Contracting Charter amendments, prior to presentation at Council if possible. Second by Councilmember Emerald.

Passed by the following vote:

Yea: Lightner, Kersey, Cate, Emerald

Nay: None

Recused: None

Not Present: None

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