



**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, MAY 18, 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 and Cate

Not present: Emerald

APPROVAL OF COMMITTEE ACTIONS:

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

April 20, 2016

NON-AGENDA PUBLIC COMMENT: Beryl Flom on behalf of the League of Women Voters, requesting that the language in Charter section 26.1 be left as it is.

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

REQUESTS FOR CONTINUANCE: None

DISCUSSION AGENDA:

ITEM 1: Consideration of language amending sections 23 – Initiative, Referendum and Recall, and 108 – Forfeiture of Office for Fraud and related Charter sections to address removal from office, succession of elected officials and interim authority; and organize the sections along with other sections common to all elected officials in a new Article 2.5 – Elected Officials.

Motion by Councilmember Kersey to:

1. Approve the options for removing an elected official provided in the staff report with the addition of a Council initiated removal of City Attorney or Mayor by a unanimous “no confidence” vote by the Council, subject to voter approval. Direct the City Attorney to return to the Rules Committee with draft language after legal review.
2. Request the City Attorney research suspension provisions for individuals being investigated for violating official duties.
3. Request the City Attorney return to the Rules Committee with definitions for “dereliction of duty and malfeasance” and examples of misdemeanors and felonies that could fall under those definitions.

Second by Chair Lightner.

Passed by the following vote:

Yea: Lightner, Kersey, Cate

Nay: None

Recused: None

Not Present: Emerald

Motion by Councilmember Cate to approve the use of the prefix “interim” to denote the genuine, but limited authority of a designee in an elected office while it is vacant, waiting for a new appointed or specially elected official. Second by Councilmember Kersey.

Passed by the following vote:

Yea: Lightner, Kersey, Cate

Nay: None

Recused: None

Not Present: Emerald

Motion by Councilmember Kersey to approve language transferring the appointment authority to the City Council as a whole during an interim Mayor's term, suspending the 45 day waiting period before doing so. Second by Councilmember Cate.

Passed by the following vote:

Yea: Lightner, Kersey, Cate

Nay: None

Recused: None

Not Present: Emerald

Motion by Councilmember Cate to accept the balance of Report to the City Council 16-053, Removal from, Succession to and Interim Authority in Elected Office. Second by Councilmember Kersey.

Passed by the following vote:

Yea: Lightner, Kersey, Cate

Nay: None

Recused: None

Not Present: Emerald

ITEM 2: Consideration of a proposal to move sections addressing legislative activity to Article III, including but not limited to sections 270 – The Council, 275 – Introduction and Passage of Ordinances and Resolutions, 280 – Approval or Veto of Council Actions by Mayor, 285 – Enactment Over Veto, 290 – Council Consideration of Salary Ordinance and Budget: Special Veto Power and 295 – When Resolutions and Ordinances Take Effect; Emergency Measures.

Motion by Councilmember Cate to continue this item to the next Rules Committee. Second by Councilmember Kersey.

Passed by the following vote:

Yea: Lightner, Kersey, Cate

Nay: None

Recused: None

Not Present: Emerald

ITEM 3: Consideration of a proposal to move sections addressing primarily executive/mayoral activity to Article IV, including but not limited to sections 260 – Integration of Article with Charter and 265 – the Mayor.

Motion by Councilmember Cate to continue the item to the next Rules Committee. Second by Councilmember Kersey.

Passed by the following vote:

Yea: Lightner, Kersey, Cate

Nay: None

Recused: None

Not Present: Emerald

ITEM 4: Consideration of the creation of a new Charter Article addressing independent, non-mayoral administrative services, including but not limited to sections 37 - Personnel Director, 38 – City Clerk, 39.1 - Audit Committee, 39.2 - Office of City Auditor, 39.3 - Independent Budget Analyst, 40 - City Attorney, 40.1 – Concurrent Jurisdiction of City Attorney with District Attorney and 41 – Commissions. Consideration of an introductory section to the new section, stating its purpose. And, consideration of previously approved substantive changes to the non-mayoral administrative services sections 39.3 – Independent Budget Analyst, 41(c) – Planning Commission, 41(d) – Ethics Commission, and 42 – Membership for the purpose of forwarding to the City Council.

Motion by Councilmember Cate to:

1. Reaffirm the Committee’s March 2, 2016, action to move the following independent, non-mayoral administrative services from Article 5 to a new article: sections 37 - Personnel Director, 38 – City Clerk, 39.1 - Audit Committee, 39.2 - Office of City Auditor, 39.3 - Independent Budget Analyst, 40 - City Attorney, 40.1 – Concurrent Jurisdiction of City Attorney with District Attorney and 41 – Commissions.
2. Request the City Attorney review 41- Commissions and only include those Boards and Commissions that are independent.
3. Approve the following introductory section to the new article for independent offices: “It shall be the obligation and responsibility of the Mayor and City Council to provide for and cooperate with the independent offices that in turn, collectively provide checks and balances in the governance of the City.”
4. Reaffirm the Committee’s previously approved substantive changes to the non-mayoral administrative services sections 39.3 – Independent Budget Analyst, 41(c) Planning Commission, 41(d) Ethics Commission and 42 – Membership to the City Council for consideration for placement on a ballot.
5. Direct the City Attorney to prepare a draft new Charter article reflecting the above organizational and substantive changes, and return to the June 15, 2016, Rules Committee meeting so that the Committee can review the item and consider forwarding it on to the City Council.

Seconded by Chair Lightner.

Passed by the following vote:

Yea: Lightner, Kersey, Cate
Nay: None
Recused: None
Not Present: Emerald

ITEM 5: Review and prioritization of the Charter Review Committee's actions from January 2015- May 2016. The Committee is being requested to review past actions and forward prioritized items to the City Council in order to give direction to the City Attorney's office to prepare the ballot language and ordinances in order to place them on the November 2016 ballot.

Motion by Chair Lightner to forward the following items from Report to the City Council 16-052, Review and Prioritization of Charter Review Committee Actions to the City Council for consideration for placement on the November 2016 ballot:

1. Item 4 – Charter section 43(d) Citizens' Review Board on Police Practices, and
2. Item 5 – Purchasing and Contracting, consideration of proposed amendments to Charter provisions related to City contracting.

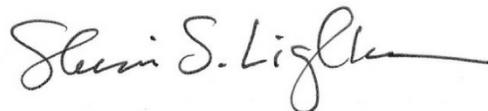
With the intent to also forward:

3. Item 1 – Creation of a proposed new Charter section 2.5 entitled Elected Officials to the City Council once the Committee has completed its review.

Second by Councilmember Cate.

Passed by the following vote:

Yea: Lightner, Kersey, Cate
Nay: None
Recused: None
Not Present: Emerald



Sherri S. Lightner
Chair