



**THE COMMITTEE ON CHARTER REVIEW
OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO**

REVISED

Council President Sherri S. Lightner, Chair

Councilmember Chris Cate, Vice Chair

Councilmember Marti Emerald

Councilmember Mark Kersey

**REVISED AGENDA FOR THE COMMITTEE MEETING OF
THURSDAY, APRIL 16, 2015 at 2:30 P.M.* (TIME CHANGE)
CITY ADMINISTRATION BUILDING
COUNCIL COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET, SAN DIEGO, CA 92101**

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ROLL CALL

APPROVAL OF COMMITTEE ACTIONS

The Committee Record of Actions of the following meetings will be approved by Unanimous Consent unless pulled for discussion:

March 5, 2015

NON-AGENDA PUBLIC COMMENT This portion of the agenda provides an opportunity for members of the public to address the Committee on items of interest within the jurisdiction of the Committee. (Comments relating to items on today’s docket are to be taken at the time the item is heard.) Comments are limited to three (3) minutes and are non-debatable. To exercise this right, members of the public must submit a Public Comment Request form prior to the meeting. At the conclusion of the comment, the Committee Chair has the discretion to determine appropriate disposition of the matter. Pursuant to open meeting laws, no discussion or action, other than a referral, shall be taken by the Committee on any issue brought forth under Non-Agenda Public Comment.

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

REQUESTS FOR CONTINUANCE

DISCUSSION AGENDA:

The following documents that are among the materials to be considered throughout the Discussion Agenda are hyperlinked here:

- [CITY CHARTER](#),
- City Attorney’s February 5, 2014 [REPORT TO THE CITY COUNCIL, SAN DIEGO CHARTER LEGAL REVIEW](#),
- Independent Budget Analyst’s [REPORT 15-09 BUDGETARY ISSUES FOR CHARTER REVIEW COMMITTEE CONSIDERATION](#)
- Chief Financial Officer’s April 2, 2015 Memorandum [RECOMMENDED REVISIONS TO THE CITY CHARTER](#).

ITEM-1: Consideration of the Chief Financial Officer’s recommendation to change the language “Auditor and Comptroller” to read “Chief Financial Officer” and “Manager” to read “Mayor” in Article VII.

ITEM-2: Report from the Independent Budget Analyst asking the Committee to consider whether certain budget processes, principles and/or practices should be included in the City Charter. (*See the link to the Independent Budget Analyst's Report 15-09 above.*)

ITEM-3: Consideration of the following Charter Article VII Sections including but not limited to the options, suggestions or recommendations from the presenters noted parenthetically in italics:

A) § 69 Fiscal Year and Manager's Estimate

- 1) Move the section to Art. XV (*See the link to the City Attorney's February 5, 2014 Report above.*)
- 2) Print a reasonable number of copies of the budget and distribute 15 days before final passage, distributing particularly to the newspapers and all public libraries. (*Mayor's Office*)
- 3) Amend the section to set April 15 as the date for the release of the annual budget, change "Manager" to "Mayor" throughout the section, enable the Mayor to set a schedule as well as the form of the departmental annual budget estimate submittals, and specify that the Mayor instead of the Council shall provide for public access to the budget document through digital or hard copy formats and the City's website. (*See the link to the Chief Financial Officer's April 2, 2015 Memorandum above.*)
- 4) Amend the Charter to enable the City Council to make mid-year budget adjustments based on a set of established criteria. (*See the link to the Independent Budget Analyst's Report 15-09 above.*)

B) § 70 Power to Fix Salaries

- 1) Delete the limiting language and conform to section 290 and the Meyers-Milias-Brown Act. (*See the link to the City Attorney's February 5, 2014 Report above.*)
- 2) Clarify the departments for which the City Council sets the salaries. (*See the link to the Chief Financial Officer's April 2, 2015 Memorandum above.*)

C) § 71 Preparation and Passage of Annual Appropriation Ordinance

- 1) Combine the Council votes on the annual budget and appropriation ordinance into one approval action. (*See the links to the City Attorney's February 5, 2014 Report, Chief Financial Officer's April 2, 2015 Memorandum and Independent Budget Analyst's Report 15-09 above.*)
- 2) Incorporate section 71 with section 290 or a nearby section. (*See the link to the City Attorney's February 5, 2014 Report above.*)

- 3) Specify that the Mayor instead of the Council will prepare the annual appropriation ordinance for Council approval. *(See the link to the Chief Financial Officer's April 2, 2015 Memorandum above.)*
- D) § 71A Re-appropriations at Beginning of Fiscal Year for Salaries and Maintenance and Support of Expenses
Incorporate the section with other appropriation provisions. *(See the link to the City Attorney's February 5, 2014 Report above.)*
- E) § 72 Appropriation Accounts
- 1) Remove the requirement that a department notify the Chief Financial Officer by letter when a project is completed. *(See the link to the Chief Financial Officer's April 2, 2015 Memorandum above.)*
 - 2) Restore unexpended restricted funds to the fund from which they were appropriated instead of transferring them to the general fund. *(See the link to the Chief Financial Officer's April 2, 2015 Memorandum above.)*
- F) § 75 Annual Tax Levy
Simplify the section to state that any legally authorized taxes shall be levied not later than July of each fiscal year and transmitted to the tax collector. *(See the links to the City Attorney's February 5, 2014 Report and Chief Financial Officer's April 2, 2015 Memorandum above.)*
- G) § 77 Capital Outlay Fund
- 1) Revise the section to clarify the intended scope of real property interests intended to be affected. *(See the links to the City Attorney's February 5, 2014 Report, Chief Financial Officer's April 2, 2015 Memorandum above and Mel Shapiro)*
 - 2) Amend the section to include debt service to acquire and construct public improvements as an appropriate use of the fund, and remove the reference to the Harbor Department in the last paragraph. *(See the link to the Chief Financial Officer's April 2, 2015 Memorandum above.)*
- H) § 77A Provisions for Zoological Exhibits
[Expand the use of the Zoo tax to include capital maintenance and capital improvements in Balboa Park as appropriated annually by City Council.](#)
(Independent Budget Analyst)

I) § 78 Assessment and Collection of Taxes

Retain only the first sentence of the section, and add “or the City of San Diego” to the end of that sentence. (*Mayor’s Office*)

J) § 80 Money Required to be in Treasury

- 1) Amend the section to clarify that the requirement to certify funds is based on the actual or anticipated receipt of moneys before the maturity of the obligation. (*See the link to the Chief Financial Officer’s April 2, 2015 Memorandum above.*)
- 2) Amend the section to allow contracts and expenditures to be made on phases of projects and transferred to other priority projects to the extent that money is in the Treasury. (*Councilmember Cate*)

K) § 81 Allotments

Removed the section, because it is obsolete. (*See the link to the Chief Financial Officer’s April 2, 2015 Memorandum above.*)

L) § 82 Examination and Investigation of Claims by the Auditor and Comptroller

- 1) Amend the section to permit electronic funds transfer (ACH), wire or other forms of payment. (*See the link to the Chief Financial Officer’s April 2, 2015 Memorandum above.*)
- 2) Move the section to the municipal code as a Comptroller’s role and responsibility. (*See the link to the Chief Financial Officer’s April 2, 2015 Memorandum above.*)

M) § 83 Payment of Claims Against the City

Amend the section to permit electronic funds transfer (ACH), wire or other forms of payment; replace the references to warrants and check warrants with payments and replace the reference to vouchers with approval. (*See the link to the Chief Financial Officer’s April 2, 2015 Memorandum above.*)

N) § 90 Contracting Bond Indebtedness

Set the voter approval requirement in accordance with State law instead of an automatic two-thirds majority. (*See the link to the Independent Budget Analyst’s Report 15-09 above.*)

O) § 90.3 Voter Approval for Major Projects Conferring Significant Private Benefit

Define the terms, “major public project” and “other public infrastructure.” (*See the link to the Chief Financial Officer’s April 2, 2015 Memorandum above.*)

P) § 91 General Reserve Fund

- 1) Clarify the section to reflect the City's current reserve structure. (*See the link to the Independent Budget Analyst's Report 15-09 above.*)
- 2) Revert to pre-1962 language or be revised to more clearly state the purpose of maintaining sufficient cash on hand to meet all demands against the treasury until receipt of property taxes; and change the section title to avoid confusion with other reserve funds. (*See the link to the City Attorney's February 5, 2015 Report above.*)
- 3) [Add a section requiring a "Stability Reserve," including the conditions under which monies will be allocated to such a fund.](#) (*Councilmember Cate*)

Q) § 103.1a Environmental Growth Fund

- 1) Streamline the section to reflect current practices and allow more flexibility in the use of the funds. (*See the link to the Independent Budget Analyst's Report 15-09 above.*)
- 2) Remove the section or adjust the funding level. (*See the link to the Chief Financial Officer's April 2, 2015 Memorandum above.*)

R) § 110 Claims Against the City

Provide that claims against the City shall be submitted in accordance with state law. (*Mayor's Office, and see the link to the City Attorney's February 5, 2014 Report above.*)

S) § 111 Audit of Accounts of Officers

Conform the requirements of the section to current practices, or conform what is practiced to what is currently written. (*See the link to the Chief Financial Officer's April 2, 2015 Memorandum above.*)

T) § 112 Appraisal of City Assets

- 1) Add Real Estate Assets Department to the section. (*Mayor's Office*)
- 2) Remove the requirement that a proper balance sheet under classified heads be included in the annual budget and published in the annual report of the Auditor and Comptroller. Accounting of capital assets reported in the Comprehensive Annual Financial Report makes this requirement unnecessary. (*See the link to the Chief Financial Officer's April 2, 2015 Memorandum above.*)

Sherri S. Lightner
Chair