



**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**

**AGENDA FOR THE COMMITTEE MEETING OF
THURSDAY, MAY 14, 2015, AT 2:30 P.M.
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:

April 16, 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.) Per Section 22.0101, Rule 2.6.2, of the San Diego Municipal Code, **comments are limited to two (2) 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 hyperlinked documents are considered multiple times in the Discussion Agenda:

- [CITY CHARTER](#)
- City Attorney's February 5, 2014 [REPORT TO THE CITY COUNCIL, SAN DIEGO CHARTER LEGAL REVIEW](#)
- Chief Financial Officer's April 2, 2015 Memorandum [RECOMMENDED REVISIONS TO THE CITY CHARTER](#)
- Independent Budget Analyst's February 2, 2015 Memorandum [POTENTIAL CHANGES TO THE CITY CHARTER – SUGGESTIONS FROM THE OFFICE OF THE IBA](#)

ITEM-1: Report from the San Diego Immigrant Rights Consortium requesting a resolution in support of federal immigration policies that would protect the right of all San Diego families to stay together. (*San Diego Immigrant Rights Consortium*)

ITEM-2: Consideration of the following Charter Article VII Sections trailed from the April 16, 2015, Charter Review Committee meeting; including the options, suggestions and recommendations from the presenters noted parenthetically in italics.

- A) § 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*)
- B) § 80 Money Required to be in Treasury
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 at the beginning of the Discussion Agenda.)*

C) § 81 Allotments

Removed the section, because it is obsolete. *(See the link to the Chief Financial Officer's April 2, 2015 Memorandum at the beginning of the Discussion Agenda.)*

D) § 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 at the beginning of the Discussion Agenda.)*
- 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 at the beginning of the Discussion Agenda.)*

E) § 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 at the beginning of the Discussion Agenda.)*

F) § 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 February 2, 2015 Memorandum at the beginning of the Discussion Agenda.)*

G) § 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 at the beginning of the Discussion Agenda.)*

H) § 91 General Reserve Fund

- 1) Clarify the section to reflect the City's current reserve structure. *(Click here to read the [Independent Budget Analyst's Report 15-09.](#))*
- 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 at the beginning of the Discussion Agenda.)*
- 3) Add a section requiring a "Stability Reserve," including the conditions under which moneys will be allocated to such a fund. *(Click here to read [Councilmember Cate's April 13, 2015 Memorandum.](#))*

I) § 103.1a Environmental Growth Fund

- 1) Streamline the section to reflect current practices and allow more flexibility in the use of the funds. (*Click here to read the [Independent Budget Analyst's May 18, 2011 presentation](#) to Rules Committee, Unresolved Issues from the 2007 Charter Review Commission.*)
- 2) Remove the section or adjust the funding level. (*See the link to the Chief Financial Officer's April 2, 2015 Memorandum at the beginning of the Discussion Agenda.*)

ITEM-3: Consideration of the following Charter Article V Sections including the options, suggestions and recommendations from the presenters noted parenthetically in italics.

A) § 39 Chief Financial Officer

Amend the section to make it consistent with section 80. (*See the link to the Chief Financial Officer's April 2, 2015 Memorandum at the beginning of the Discussion Agenda.*)

B) § 39.2 City Auditor

- 1) Clarify that the Audit Committee may take lesser forms of discipline (warning, suspension, etc) against the City Auditor if necessary. (*See the link to the City Attorney's February 5, 2015 Report at the beginning of the Discussion Agenda.*)
- 2) Clarify the Auditor's audit authority to include income and expenditures of external entities that are required to remit funds to the City through mechanisms such as the Transient Occupancy Tax, franchise fees, and leases. (*Click here to read the [San Diego and Imperial Counties Labor Council's February 9, 2015 letter.](#)*)

C) § 39.3 Independent Budget Analyst

Update the office's name to the "Office of the Independent Budget and Policy Analyst". (*See the link to the Independent Budget Analyst's February 2, 2015 Memorandum at the beginning of the Discussion Agenda.*)

D) § 41.c City Planning Commission

Move the portions of the sub-section addressing the duties and membership composition, selection, and terms of the Commission from the Charter to the Municipal Code. (*Council President Lightner*)

E) § 41.d Ethics Commission

- 1) Amend the Charter to allow appointments to be made by a panel of retired judges or some other independent individuals or group. (*See the link to the City Attorney's February 5, 2015 Report above.*)
- 2) Amend the Charter to provide the Ethics Commission with subpoena

power and independent legal counsel. (*Click here to read the [Ethics Commission's January 13, 2015 Memorandum.](#)*)

F) § 43 Advisory Boards and Committees

Consideration of potential changes to the section. (*Council President Lightner*)

G) § 55 Park and Recreation

- 1) Allow educational organizations to lease/build buildings on public park land, specifically, Balboa Park. (*Click here to read the [New Museum School's January 26, 2015 Letter and The Protect Our Communities Foundation's February 20, 2015 Letter.](#)*)
- 2) Change the section so the City Treasurer administers the Cemetery Funds. (*Mayor's Office*)

H) § 64 Support of Educational and Cultural Institutions

Remove the section, because it is redundant with established practice. (*Mayor's Office*)



Sherri S. Lightner
Chair