



**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 Marti Emerald
Councilmember Mark Kersey**

**AGENDA FOR THE COMMITTEE MEETING OF
THURSDAY AUGUST 6, 2015 at 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET, SAN DIEGO, CA 92101**

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This information will be made available in alternative formats upon request, as required by the Americans with Disabilities Act (ADA), by contacting the Committee Liaison at (619) 533-3984 or MWallace@sandiego.gov. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times, ranging from five business days to two weeks. Please keep this in mind and provide as much advance notice as possible in order to ensure availability. Assistive Listening Devices (ALDs) are available in Council Committee Room upon request.

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:

July 2, 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 :

Current Charter language considered or referenced in the following items can be found in the [CITY CHARTER](#).

ITEM-1: Consideration of sections of Charter Article IX, The Retirement of Employees, including the options, suggestions and recommendations from the presenters noted parenthetically in italics.

A) § 140 Establishment of Separate Retirement Pension Systems: Definitions

Expand the list of employees excepted from mandatory participation in the defined contribution plans authorized in Sections 150 and 151 to include police recruits participating in the City's Police Academy as well as sworn police officers. ([Click here](#) to read the San Diego City Employees' Retirement System's July 13, 2015 letter and strikeout underline Charter sections, and [click here](#) to read the City Attorney's February 5, 2014 Report.)

B) § 141 City Employees' Retirement System

1. Amend the section to allow an employee's reciprocal service between SDCERS and CalPERS to count toward vesting to establish eligibility for benefits.

([Click here](#) to read the San Diego City Employees' Retirement System's July 13, 2015 letter and strikeout underline Charter sections.)

2. Change the terms "firemen" to read "firefighters" and "policemen" to read "police officers" throughout the section. (*Mayor's Office*)

3. Amend the section to reflect the new decision from SDCERS regarding COLA for spouses who receive benefits from a spouse who died in the line of duty.
(Mayor's Office)
- C) § 141.1 Reform of Sworn Officer Defined Benefit Plan
Expand the coverage of the defined benefit pension plan to include police recruits participating in the City's Police Academy as well as sworn police officers. ([Click here](#) to read the *San Diego City Employees' Retirement System's July 13, 2015 letter and strikeout underline Charter sections.*)
- D) § 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. ([Click here](#) to read the *San Diego City Employees' Retirement System's July 13, 2015 letter and strikeout underline Charter sections.*)
- E) § 142.1 Add a new section to codify the Board of Administration's authority to hire and retain its own independent legal counsel. ([Click here](#) to read the *San Diego City Employees' Retirement System's July 13, 2015 letter and strikeout underline Charter sections.*)
- F) § 144 Board of Administration
1. Clarify the staggering of 4-year terms for the seven inaugural Board of Administration appointments. ([Click here](#) to read the *San Diego City Employees' Retirement System's July 13, 2015 letter and strikeout underline Charter sections.*)
 2. Change the City management employee board member options in subsection (f) to include the Chief Operating Officer or Assistant Chief Operating Officer instead of the City Manager; and change the appointing, directing and reporting authority to the Mayor instead of the City Manager. ([Click here](#) to read the *San Diego City Employees' Retirement System's July 13, 2015 letter and strikeout underline Charter sections.*)
 3. 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. ([Click here](#) to read the *San Diego City Employees' Retirement System's July 13, 2015 letter and strikeout underline Charter sections.*)
 4. 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. ([Click here](#) to read the *San Diego City Employees' Retirement System's July 13, 2015 letter and*

strikeout underline Charter sections.)

5. 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. ([Click here](#) to read the *San Diego City Employees' Retirement System's July 13, 2015 letter and strikeout underline Charter sections.*)

G) § 149 Contracting Public Agencies

Amend the section so that any Board of Administration policies, rules or regulations affecting the Port District are subject to good faith consultation with the District prior to their approval and enactment. ([Click here](#) to read the *Unified Port of San Diego's May 5, 2015 letter.*)

H) Article X - Transfer of Police and Fire Department Employees into the Retirement System.

Report from the San Diego City Employee's Retirement System Board of Administration regarding the City Attorney's option to repeal Article X. ([Click here](#) to read the *San Diego City Employees' Retirement System's February 27, 2015 letter and Click here to read the City Attorney's February 5, 2014, Report.*)

ITEM-2: Consideration of sections of Charter Article XIV, Miscellaneous Provisions, including the options, suggestions and recommendations from the presenters noted parenthetically in italics.

A) § 215 Publicity of Records

Repeal the section as it is no longer necessary. ([Click here](#) to read the *City Attorney's February 5, 2014 Report.*)

B) § 216 Copies of Records

Repeal the section as it is no longer necessary. ([Click here](#) to read the *City Attorney's February 5, 2014 Report.*)

C) § 226 Super Majority Vote Requirements

Substitute the court ordered language that now appears in italics for the original language overruled by the court. ([Click here](#) to read the *City Attorney's February 5, 2014, Report.*)

Sherri S. Lightner
Chair