



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

Special

**Council President Sherri S. Lightner, Chair
Councilmember Chris Cate, Vice Chair
Councilmember Marti Emerald
Councilmember Mark Kersey**

**AGENDA FOR THE COMMITTEE MEETING OF
THURSDAY, DECEMBER 3, 2015 at 2:00 P.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 Phone: (619) 533-5906**

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:

October 8, 2015, Revised

November 4, 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 proposed preamble language for the Charter. ([Click here](#) to read *proposed language*)

ITEM-2: Consideration of proposed changes to the following Article V – Executive and Administrative Service provisions and related Charter sections in response to prior Committee discussion.

A) § 41(c) City Planning Commission

Consideration of language formalizing the Planning Commission in the Charter, but placing the duties, membership composition, selection and terms of the Commission in the Municipal Code. ([Click here](#) to read *proposed language* and [click here](#) to read *the City Attorney's February 6, 2012, Memorandum.*)

B) § 41(d) Ethics Commission

Consideration of language formalizing the Ethics Commission in the Charter.

([Click here](#) to read the Ethics Commission's November 16, 2015, Memorandum and proposed language.)

ITEM-3: Consideration of proposed changes to the following Article VII – Finance provisions and related Charter sections in response to prior Committee discussion.

- A) §77A Provisions for Zoological Exhibits
[Consideration of no action from the Environment Committee.](#)
- B) §103.1A Environmental Growth Fund
[Consideration of recommendation\(s\) from the Environment Committee.](#)

ITEM-4: Consideration of proposed changes to the following Article VIII – Civil Service and related Charter sections in response to prior Committee discussion.

- A) §118 Rules
Consideration of language amending the section to comply with state law. ([Click here](#) to read the City Attorney's February 5, 2014, Report to the City Council, San Diego Legal Charter Review)
- B) §129.1 Removal of Striking Employees
Consideration of language conforming the section to state law. (*Mayor's Office*)

ITEM-5: Consideration of proposed changes to the following Article IX – The Retirement of Employees and related Charter sections in response to prior Committee discussion.

- A) §141 City Employees' Retirement System
Consideration of language in a newly created sub-item (e) to allow an employee's reciprocal service between SDCERS and CalPERS to count toward vesting to establish eligibility for benefits, and broad, timeless language that does not reference specific entities other than the Board of Administration. ([Click here](#) to read proposed language.)
- B) §141.2 Full and Fair Employee Contributions for the Defined Benefit Pension Plan
Consideration of an analysis of whether the City should pay SDCERS all or any portion of overpayment of benefits or underpayment of contributions caused by the negligence of a City employee, and whether doing so could be addressed through the meet and confer process with the municipal employee unions or contractually with the San Diego City Employees' Retirement System. ([Click here](#) to read the City Attorney's Memorandum. *San Diego City Employees' Retirement System*)
- C) §144 Board of Administration (SDCERS Board)
 - 1. Consideration of proposed Municipal Code language clarifying the staggering of 4-year terms for the seven inaugural Board of Administration appointments. (*San Diego City Employees Retirement System*)

2. Consideration of timeless language referencing in sub-section (f) regarding who should serve as the City management employee Board member, and changing the appointing, directing and reporting authority to the Mayor instead of the City Manager. *(Mayor's Office)*
3. Consideration of City Attorney Report regarding the following Charter section 144 proposed amendments by the San Diego City Employee Retirement System. *([click here](#) to read the City Attorney's December 3, 2015, Report)*
 - a. Proposal to amend section 144 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 naming specific trusts in the Charter.
 - b. Proposal to amend section 144 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.
 - c. Proposal to amend section 144 to answer the question whether Unified Port District and Regional Airport Authority members can run for Board of Administration seats.
4. Consideration of adding a new sub-item (g) to the section codifying the Board of Administration's authority to hire and retain its own independent legal counsel. *(City Attorney)*

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Sherri S. Lightner
Chair