



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

CORRECTED

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

**AGENDA FOR THE COMMITTEE MEETING OF
WEDNESDAY, FEBRUARY 3, 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**

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:

January 13, 2016

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 proposals regarding section 23 – Initiative, Referendum and Recall, and section 108 – Forfeiture of Office for Fraud provisions and related Charter sections.
- A) Consideration of options that would clarify what constitutes cause for removal and how to remove an elected official from office. ([Click here](#) to read the report from the City Attorney)
 - B) Consideration of benchmarking information regarding signatures required for a referendary petition. ([Click here](#) to read the City Clerk's PowerPoint presentation)
- ITEM 2: Consideration of proposed changes to the following Article V – Executive and Administrative Service provisions and related Charter sections.
- A) § 26.1 – Public Services Required
Consideration of recommended language listing broad category, timeless and essential city services. ([Click here](#) to read the Mayor's Office proposed language)

- B) § 32.1 – Responsibility of Managers and Officers
 Consideration of recommended language for the section including a legal analysis of subpoena power for the Council in the Charter or Municipal Code and the relationship between this section and other provisions addressing the strong mayor form of government and other related issues. ([Click here](#) to read the City Attorney's January 29, 2016, Memorandum of Law ML-2016-4 and [click here](#) to read the Mayor's office proposed language)

- C) § 43 – Advisory Boards and Committees
 Consideration of a comprehensive review of Brown Act compliance, conflict of interest disclosure, reporting to the City Council, indemnification, sunset process and related issues for all City boards, commissions, committees and panels in the Charter and Municipal Code. ([Click here](#) to read the City Clerk's PowerPoint and City Attorney)

- D) § 55 – Park and Recreation
 - 1) Consideration of proposed language clarifying that Junior Lifeguard and Aquatic Education Programs and Facilities are appropriate use of dedicated park land. ([Click here](#) to read the San Diego Junior Lifeguard Foundation's proposed draft and [click here](#) to read the City Attorney's May 21, 2015, Opinion Number LO-2015-2.)

 - 2) Consideration of an amendment that would allow existing San Diego Unified School District facilities to remain in Balboa Park. ([Click here](#) to read the City Attorney's February 2, 2016, Memorandum.)(San Diego Unified School District)

ITEM 3: Consideration of a proposal to remove the following and any related sections from the Charter and place any necessary language in the Municipal Code: Section 35 – Purchasing Agent, 94 – Contracting, 94.1 – Job Order Contracts, 94.2 – Design Build Contracts, 94.3 – Bond Reimbursement Program, 94.4 – Construction Manager at Risk Contracts, 97 – Collusion in Bidding, 98 – Alteration in Contracts, 99 – Continuing Contracts, 100 – No Favoritism in Public Contracts, 101 – When Contracts and Agreements are Invalid, Continuance of Contracts and 103 – Franchises. ([Click here](#) to read the Mayor's Office proposed language)

ITEM 4: Consideration of a motion to reconsider and reconsideration of actions taken at the December 3, 2015, Charter Review Committee for Item 5.C.3.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; and Item 5.C.3.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. ([Click here](#) to read the Actions of the December 3,

2015, Charter Review Committee.)

- A) Consideration of a motion to reconsider the actions taken.
- B) Reconsideration of the actions taken. [This motion will be considered only if the motion to reconsider passes.]

A handwritten signature in black ink, reading "Sherri S. Lightner". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Sherri S. Lightner
Chair