

Item #54
9/15/2020

(O-2020-83)

ORDINANCE NUMBER O- 21234 (NEW SERIES)

DATE OF FINAL PASSAGE SEP 22 2020

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 53 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.5301, AND AMENDING CHAPTER 2, ARTICLE 6, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 26.0101 AND BY ADDING NEW SECTIONS 26.0107 AND 26.0108, ALL RELATING TO BOARDS AND COMMISSIONS.

WHEREAS, the City Charter provides governing law allowing the City Council (Council) to create and establish advisory boards to the Mayor, Council, or City Manager by ordinance codified in the San Diego Municipal Code (Municipal Code), and also establishes the City's volunteer commissions; and

WHEREAS, the Municipal Code sets specific procedures and requirements for individual City boards and commissions; and

WHEREAS, the City has more than 45 volunteer citizen boards created by ordinance in compliance with San Diego Charter (Charter) section 43(a), and additional commissions established by Charter section 41; and

WHEREAS, the Council now seeks to amend the Municipal Code to establish new procedures for the City's board and commissions, including a requirement that each of the boards and entities submit annual reports for the Council's consideration; and

WHEREAS, the Council also seeks to establish procedures to regularly review the structure of boards and commissions created under the authority of the Charter and Municipal Code, so the Council may propose potential changes; and

WHEREAS, the new procedures are designed to provide more information to enable the Council to better understand how City boards and commissions are functioning, and to improve the public's understanding of the work boards are doing; and

WHEREAS, the new procedures will assist the Council in considering whether to reorganize or consolidate existing boards and commissions, amend membership requirements, sunset boards or commissions that are obsolete or redundant, or propose potential Charter amendments that govern City boards and commissions; and

WHEREAS, the Council also seeks to codify requirements for the City's Office of Boards and Commissions to coordinate training and staff support to assist boards and commissions in performing duties required by law, including training of staff liaisons and board and commission members regarding the Ralph M. Brown Act (open meetings laws), records retention laws, and the California Public Records Act; and

WHEREAS, the Council, through this ordinance, seeks to require that such trainings shall be held for new members after they are sworn in and for all members biennially thereafter; and

WHEREAS, all of the amendments are designed to lead to better education and operations of the City's volunteer boards and commissions; and

WHEREAS, the amendments were heard on November 13, 2019, by the Council's Rules Committee, which voted to submit them to the full Council for consideration; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. Charter 2, Article 2, Division 53 of the San Diego Municipal Code is hereby amended by amending section 22.5301, relating to boards and commissions, to read as follows:

§22.5301 Office of Boards and Commissions

(a)-(b) [No change in text.]

(c) The Office of Boards and Commissions will operate under the direction of the City Manager. The department is responsible for performing those duties and functions assigned and directed by the City Manager, including:

- (1) serving as a point of contact for members of City boards and commissions;
- (2) coordinating training and staff support to assist boards and commissions in performing duties required by law, including training of staff liaisons and board and commission members regarding the Ralph M. Brown Act (open meetings laws), records retention laws, and the California Public Records Act. Such trainings shall be held for new members after they are sworn in and for all members biennially thereafter;
- (3) coordinating and standardizing reporting from boards and commissions;
- (4) overseeing employees who staff City boards and commissions;
- (5) coordinating staff support from other City departments to boards and commissions;
- (6) reviewing existing and proposed City boards and commissions and making recommendations for Charter or Municipal Code

amendments to increase a board's or commission's utility and efficiency;

- (7) assisting the offices of the Mayor and Council with the appointment process, including by reporting monthly to individual Council offices on the status of any nominations of potential appointees submitted by that office;
- (8) recommending policies and procedures to improve and standardize appointment procedures;
- (9) developing documents for posting on the City website that assist the public to understand the steps and processes to apply for appointment to City boards and commissions, including instructions for an online application process; and
- (10) collecting demographic information of the membership of each of the City's boards and commissions, by coordinating members' voluntary self-reporting, and sharing such information with the individual board or commission, which shall be included in the annual report submitted as provided by section 26.0107.

(d) [No change in text.]

Section 2. Chapter 2, Article 6, Division 1 of the San Diego Municipal Code is hereby amended by amending section 26.0101, and adding new sections 26.0107 and 26.0108, all relating to boards and commissions, to read as follows:

§26.0101 Purpose and Intent

- (a) The City Council intends to implement California Government Code Sections 87300 through 87313 pertaining to conflict of interest codes for City boards and commissions.
- (b)-(c) [No change in text.]
- (d) The City Council intends to provide a process to regularly review the structure and actions of City boards and commissions.

§26.0107 Annual Reports by City Boards and Commissions

- (a) In the fourth quarter of each calendar year, each City board and commission created under the authority of Charter section 43(a) or the Municipal Code shall submit an annual report to the Office of Boards and Commissions. Reports shall include information regarding:
 - (1) The mission and duties of the board or commission;
 - (2) Actions taken during the past year and ongoing projects;
 - (3) The number of meetings held, quorum or membership issues, number of vacant positions, and number of members serving beyond the expiration date of their terms;
 - (4) Demographics of the membership of the board or commission, collected through voluntary self-reporting by members, provided by the Office of Boards and Commissions and shared with the board or commission; and

- (5) Any other information that may be required to be reported by the specific board or commission under governing law, including the Charter or Municipal Code.
- (b) The Office of Boards and Commissions shall submit the individual board and commission annual reports to the standing committee of the Council with jurisdiction over the subject matter of the board or commission, as provided in the Rules of the Council. Annual reports shall be placed on a regular agenda of the appropriate standing committee in the first quarter of the calendar year. Alternatively, if there is no appropriate standing committee, the annual report shall be placed on the agenda of the Rules Committee during the same time period.
- (c) The City shall post the annual report from each board or commission on the City website for public access.

§26.0108 Council Review of City Boards and Commissions

- (a) The Council, or an appropriate standing committee of the Council, shall hold a meeting at least once every two years in February dedicated to reviewing the structure of the City's boards and commissions created under the authority of the Charter and Municipal Code. The Council or standing committee shall consider proposing potential changes, if any, to the structure of specific City boards and commissions, including:
 - (1) Reorganizing or consolidating existing boards and commissions;
 - (2) Amending board or commission membership requirements;

- (3) Sunsetting boards or commissions that are obsolete or redundant;
and
- (4) Proposing potential Charter amendments governing City boards and commissions, to be considered for submission to City voters on a future ballot.

The Council or standing committee shall consider the annual reports provided under section §26.0107 and recommendations from the Office of Boards and Commissions in the review process.

- (b) Proposals to create a new board or commission for approval by the Council, or, if legally required, by voters through a Charter amendment, shall include an analysis of:

- (1) The purpose and mission of the proposed new board or commission;
- (2) Whether the proposed new board or commission could be incorporated into an existing board; and
- (3) The potential fiscal and operational impact to the City of creating a new board or commission. If requested by the Council, the City Manager and all non-managerial officers of the City, or appropriate City department, shall provide such information to the Council in compliance with Charter section 32.1.

Section 3. A full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Sharon B. Spivak
Sharon B. Spivak
Senior Deputy City Attorney

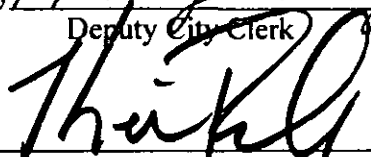
SBS:jdf
02/04/2020
Or.Dept: Council President, Rules Committee
Doc. No.: 2214919_4

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 09/15/2020.

ELIZABETH S. MALAND
City Clerk

By /s/ Stacy D. Ready
Deputy City Clerk

Approved: 9/21/2020
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

(The date of final passage is September 22, 2020, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Double Underline

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Article 2: Administrative Code

Division 53: Office of Boards and Commissions

§22.5301 Office of Boards and Commissions

(a)-(b) [No change in text.]

(c) The Office of Boards and Commissions will operate under the direction of the City Manager. The department is responsible for performing those duties and functions assigned and directed by the City Manager, including:

(1) serving as a point of contact for members of City boards and commissions;

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records retention laws, and the California Public Records Act.

Such trainings shall be held for new members after they are sworn in and for all members biennially thereafter;

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- (6) reviewing existing and proposed City boards and commissions and making recommendations for Charter or Municipal Code amendments to increase a board's or commission's utility and efficiency;
- (7) assisting the offices of the Mayor and Council with the appointment process, including by reporting monthly to individual Council offices on the status of any nominations of potential appointees submitted by that office; and
- (8) recommending policies and procedures to improve and standardize appointment procedures;
- (9) developing documents for posting on the City website that assist the public to understand the steps and processes to apply for appointment to City boards and commissions, including instructions for an online application process; and

(10) collecting demographic information of the membership of each of the City's boards and commissions, by coordinating members' voluntary self-reporting, and sharing such information with the individual board or commission, which shall be included in the annual report submitted as provided by section 26.0107.

(d) [No change in text.]

Article 6: Boards and Commissions

Division 1: General

§26.0101 Purpose and Intent

(a) The City Council intends to implement California Government Code Sections 87300 through 87313 pertaining to conflict of interest codes for City boards and commissions.

(b)-(c) [No change in text.]

(d) The City Council intends to provide a process to regularly review the structure and actions of City boards and commissions.

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(1) The mission and duties of the board or commission;

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 - (4) Demographics of the membership of the board or commission, collected through voluntary self-reporting by members, provided by the Office of Boards and Commissions and shared with the board or commission; and
 - (5) Any other information that may be required to be reported by the specific board or commission under governing law, including the Charter or Municipal Code.
- (b) The Office of Boards and Commissions shall submit the individual board and commission annual reports to the standing committee of the Council with jurisdiction over the subject matter of the board or commission, as provided in the Rules of the Council. Annual reports shall be placed on a regular agenda of the appropriate standing committee in the first quarter of the calendar year. Alternatively, if there is no appropriate standing committee, the annual report shall be placed on the agenda of the Rules Committee during the same time period.
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Manager and all non-managerial officers of the City, or appropriate City department, shall provide such information to the Council in compliance with Charter section 32.1.

SBS:jdf
02/05/2020
Or.Dept: Council President, Rules Committee
Doc. No.: 2301104_2

Passed by the Council of The City of San Diego on SEP 15 2020, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 22 2020.

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Hy Beach*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 28 2020

and on SEP 22 2020.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Hy Beach*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21234