

TO THE MAYOR

OF

THE CITY OF SAN DIEGO

REPORT BY THE PILOT COMMITTEE

FOR CHARTER REVIEW



THE CITY OF
SAN DIEGO

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OFFICE OF
CHARTER REVIEW
COMMITTEE

October 11, 1968

The Honorable Frank Curran, Mayor
City of San Diego
City Administration Building
San Diego, California 92101

Dear Mayor Curran:

Members

Robert F. Wilcox
Chairman

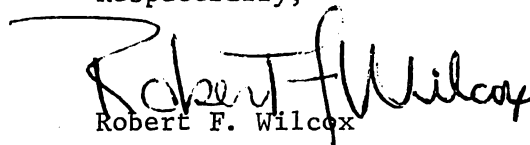
Mrs. S. N. Brozey
Armon L. Henderson
Edward S. Hope
John Leppert
Thomas McJunkins
Mrs. Lucille Mortimer
Robert W. Peer
Karl M. Zobell

The Pilot Committee for Charter Review appointed by you to initiate the process of reviewing the Charter of the City of San Diego has completed its deliberations. Submitted herewith is the report by the Committee.

The Pilot Committee held its final meeting on October 9, 1968 and gave formal approval to its report. Members of the Pilot Committee look forward to carrying on the work of the charter review as part of the Blue Ribbon group.

It has been a privilege and pleasure to serve the City.

Respectfully,


Robert F. Wilcox

Staff Consultants

Public Affairs Research
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W. Richard Bigger
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Executive Secretary

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CITY OF SAN DIEGO

REPORT BY THE PILOT COMMITTEE FOR CHARTER REVIEW

October 9, 1968

The Pilot Committee for Charter Review was appointed by the Mayor as the first step in a three-stage process of citizen review and revision of the city charter. The goal of this effort is to make those changes in the document which are necessary to provide the city's government with the structure and powers required to cope with its emerging problems. The Pilot Committee's particular task was to determine basic questions of charter change that should be studied in more detail by the second-stage Blue Ribbon Committee, which is then charged with developing specific recommendations.

The Pilot Committee for Charter Review believes that the Blue Ribbon Committee should study and make specific recommendations upon the following major questions relating to the city's charter. The Committee, of course, in raising the questions stated below recognizes that members of the Blue Ribbon Committee will find additional problems requiring study and perhaps recommendations.

A. IS THE CITY'S FORM OF GOVERNMENT ADEQUATE TO MEET THE CHALLENGES OF THE FUTURE?

The Pilot Committee believes that the present basic structure of San Diego's government (the Council-Manager system) is sound. It has proven flexible and efficient in coping with rapid growth in the past, and would appear adaptable to provide for the future economic and social development of the city. However, this does not preclude certain changes within the present framework to make the government a more effective vehicle for producing and guiding growth.

Suggestion (1):

Study should be given to changes in the roles of the major policy-makers--both elective and appointive--in the city.

B. SHOULD THE OFFICE OF THE MAYOR BE STRENGTHENED IN ORDER TO PROVIDE MORE VIGOROUS AND EFFECTIVE POLITICAL LEADERSHIP.

Complex urban problems require adequate discussion of issues by the community and strong leadership in city government to encourage such discussion and to develop needed policies and decisions. Therefore, certain changes in the position and role of the Mayor (within the framework of the Council-Manager system) should be examined as conducive to providing the Mayor with better tools to provide community leadership. Changes in the Mayor's position which would seriously erode the Council-Manager system are not considered desirable.

Suggestion (2):

Study should be given to the desirability of amending the charter to declare the Mayor the official head of the city for legislative and policy, as well as ceremonial purposes.

Suggestion (3):

Study should be made of the desirability of providing for appointment by the Mayor of members of continuing boards and commissions without Council confirmation. (The Council might be permitted to make such appointments if the Mayor has not done so within a specified time after a vacancy occurs).

Suggestion (4):

Study should be given to a charter change which would make the Mayor responsible for leadership in the fields of public relations, human relations and intergovernmental and legislative relations.

Suggestion (5):

Study should be given to an amendment to permit the Mayor to select additional unclassified personnel for his immediate office.

Suggestion (6):

Study should be made of the desirability of an amendment which declares that boards and commissions report only to the Mayor and Council on council policy issues.

Suggestion (7):

Study should be undertaken to determine whether the position of the Mayor can be strengthened so as to provide him certain tools characteristic of a chief executive without disturbing the basic structure of the Council-Manager form of government. Among changes to be considered for this purpose may be:

- (a) Whether the Mayor should be given the veto power.
- (b) Whether the Mayor should be given the authority to formulate the city's operating budget.
- (c) Whether the Mayor should supervise directly any operating department.
- (d) Whether the Mayor should be removed from his role as chairman and member of the City Council.

(e) Whether the Mayor should hire and fire the City Manager.

C. SHOULD THE SALARIES OF THE MAYOR AND COUNCILMEN BE RAISED?

Increased salaries appear consonant with the duties of these officials.

Suggestion (8):

Study should be given to a method by which Mayor and Council salaries can be raised, such as making salary changes effective after an election, or at some specified future date.

D. ARE POWERS GIVEN BY THE CHARTER TO THE CITY GOVERNMENT ADEQUATE TO RESOLVE FUTURE PROBLEMS WITH WHICH THE CITY WILL BE CONCERNED?

Modern urban areas are faced with increasingly complex and difficult social and physical problems whose solution will require sufficient legal authority, highly trained personnel, and adequate financial resources. It would appear on the whole that the Charter provides adequate legal authority, within the confines of California law, to deal with such problems. However, Article I of the Charter and related provisions which delineate municipal powers may limit municipal authority.

Suggestion (9):

Study should be made of the "powers statement" (Article 1.01) of the Model City Charter to determine whether this broad language might be substituted for that in Sections 1 and 2 of the San Diego City Charter.

Suggestion (10):

Study should be made to determine whether it is necessary to add a charter section specifically authorizing the city to cooperate with all units of government (Section 26 contains the only reference to cooperation with other units of government and refers only to the County).

E. DOES THE CHARTER PROVIDE FOR REPRESENTATION OF ALL SEGMENTS OF THE COMMUNITY IN THE POLICY-MAKING PROCESS?

All segments of the community should achieve appropriate representation in policy-making so as to keep the city's programs and policies responsive to citizen demands and needs. It has been argued that the present methods of apportionment and election of council members do not permit that body to be truly representative of the total community.

Suggestion (11):

Study should be given to various bases for apportioning council districts such as numbers of registered voters or numbers of inhabitants.

Suggestion (12):

Study should be given to alternative methods of electing council members: at-large, by districts, or by some combination of these two methods.

Suggestion (13):

Study should be given to whether the present six calendar day minimum period between introduction and passage of non-emergency ordinances is sufficient to permit community study and reaction.

F. SHOULD CHARTER PROVISIONS RELATING TO THE FILLING OF COUNCIL VACANCIES BE REVISED?

Under present provisions it may be possible for a minority of council incumbents to appoint a majority, if a majority of council seats become vacant within a short period of time.

Suggestion (14):

Study should be given as to the desirability of requiring a special election to fill every vacated council seat.

Suggestion (15):

Study should be given as to how the Charter should be clarified in the matter of holding an election for filling a council vacancy.

Suggestion (16):

Study should be given concerning the number of incumbent councilmen required to appoint persons to fill council vacancies.

G. SHOULD THE CITY ATTORNEY BE APPOINTED BY THE CITY COUNCIL, RATHER THAN ELECTED? WHAT SHOULD BE THE FUNCTIONS OF THE CITY ATTORNEY?

It has been argued that the City Attorney's role should be technical and legal and not policy-forming, and that, therefore, the position should be filled by appointment. Election

of the City Attorney has been supported on the grounds that it provides a vital check on the City Council by an independent legal officer. Duplication of the prosecuting function between the City Attorney and the District Attorney has also been questioned.

Suggestion (17):

Study should be made of the desirability of appointment of the City Attorney by the City Council.

Suggestion (18):

Study should be given to a charter change providing that the District Attorney prosecute violators of municipal ordinances in order to give the City Attorney more time to deal with the civil matters of the city.

H. SHOULD THE CITY'S FINANCIAL RESOURCES BE BROADENED THROUGH CHARTER CHANGES?

It is noted that financial resources of the City are crucial to adequate municipal programs. Study should be given, therefore, to Charter amendments which might appropriately broaden such resources.

Suggestion (19):

Study should be given to the possible use of revenue bonds for purposes other than sewers and water supply.

Suggestion (20):

Study should be made of the desirability of stating the general tax limit as a percent of total tax revenues, rather than as a fixed sum as is the case at present (\$1.34).

I. HOW CAN CHARTER PROVISIONS IMPROVE THE PRESENT ORGANIZATIONAL AND PROCEDURAL REQUIREMENTS FOR MUNICIPAL PURCHASING TO PERMIT MAXIMUM EFFICIENCY?

Suggestion (21):

Study should be made as to whether the office of Purchasing Agent should be removed from the Charter because the present Charter provision limits the introduction of organizational and procedural improvements.

Suggestion (22):

Study should be given to the present dollar limits on purchasing without competitive bidding to determine if they are conducive to effective municipal management.

- J. SHOULD THE CHARTER BE AMENDED TO ENCOURAGE USE OF IMPROVED ADMINISTRATIVE PRACTICES IN HANDLING THE CITY'S FINANCES, WITHOUT IMPAIRING FINANCIAL SAFEGUARDS AND THE ISSUANCE OF BONDS?

The present Charter provisions dealing with financial practices and procedures and with the issuance of municipal bonds, particularly utility revenue bonds, appear to be over-detailed and restrictive.

Suggestion (23):

Study should be made by experts in the management field of the possible elimination of non-essential details which may inhibit introduction of more efficient financial management procedures.

Suggestion (24):

Study should be given to the possibility of reducing some of the detailed provisions regarding the issuance of municipal revenue and general obligation bonds.

- K. SHOULD THE PLANNING PROCESS BE DESCRIBED IN THE CHARTER INSTEAD OF UTILIZING THE STATE LAW BY REFERENCE?

The present charter arrangement has been criticized on the grounds that it contributes to public misunderstanding concerning which city agencies are responsible for planning. Delineation of the planning process in the charter might also give the city more flexibility in dealing with planning problems.

Suggestion (25):

Study should be given to the desirability of describing planning structure and procedures in the city charter, as well as to the degree to which authority to provide for such structure and procedures might be delegated to the City Council.

- L. SHOULD THE DIRECTOR OF PLANNING BE APPOINTED BY, AND THE PLANNING DEPARTMENT BE RESPONSIBLE TO, THE CITY MANAGER?

Placing the Planning Director and Planning Department under the City Manager has been supported on the basis that planning is an integral and inescapable part of the management of the city which should not be separated from other major elements of administration. Another point of view holds that the independence of the Planning Director and Planning Department contributes to objective planning decisions benefiting the long-term future of the city.

Suggestion (26):

Study should be given to the desirability of a charter provision making the Director of Planning and the Planning Department responsible to the City Manager.

M. WHAT IS THE PROPER ROLE OF PLANNING COMMISSIONERS?

It has been argued that longer terms for planning commissioners would contribute to more qualified and independent citizen advice on planning matters. Staggered terms have also been suggested to provide greater continuity. Concern has been expressed that present procedures require that planning commissioners spend too much time for detailed zoning matters and too little on long-range planning. There is some question as to whether provisions of state law governing conflicts of interest are sufficient to protect the public interest. Great delegation of decision-making authority by the City Council to the Planning Commission and the establishment of a separate Zoning Commission have also been supported.

Suggestion (27):

Study should be given to granting Planning Commissioners longer and staggered terms.

Suggestion (28):

Study should be given to the development of a specific statement regarding disqualification from membership on the Planning Commission due to conflicts of interest.

Suggestion (29):

Study should be made of the need for a separate Zoning Commission.

Suggestion (30):

Study should be given to the degree to which authority can be, and should be, delegated to the Planning Commission and to a possible Zoning Commission.

N. WHAT ARE THE PROPER FUNCTIONS OF THE CITY AUDITOR AND COMPTROLLER?

It is thought that the description of the duties of the City Auditor and Comptroller is unclear, especially in terms of his involvement in the making of expenditures as contrasted to auditing.

Suggestion (31):

Study should be given to whether the City Auditor and Comptroller should be entitled simply "City Auditor."

Suggestion (32):

Study should be given to the desirability of separating the auditor and controller functions and placing the controller functions under the City Manager.

O. SHOULD THE PERSONNEL DIRECTOR BE RESPONSIBLE TO THE CITY MANAGER OR TO THE CIVIL SERVICE COMMISSION?

It has been argued that the Personnel Director should be responsible to the City Manager to give the Manager all of the administrative tools necessary for successful performance of his responsibilities, to integrate personnel decisions more effectively with other management decisions, and to promote greater managerial discretion. Others have argued that the Personnel Director should remain responsible to the Civil Service Commission in order to avoid a tendency toward a "spoils system" and to assure fair treatment of employees.

Suggestion (33):

Study should be made as to the desirability of providing that the Personnel Director be appointed by and be responsible to the City Manager.

Suggestion (34):

If the Personnel Director is placed under the City Manager, study should be given to what personnel functions should remain with the Civil Service Commission.

Suggestion (35):

Study should be given to the desirability of deleting the charter provision making the Personnel Director responsible for the establishment of standards of efficiency.

P. WHAT CHANGES IN THE CHARTER ARE NECESSARY TO PROMOTE THE DEVELOPMENT OF AN EFFECTIVE AND TIMELY EMPLOYEE-MANAGEMENT RELATIONS PROGRAM?

The Governor has recently signed into law a bill (Senate Bill 1228, as amended) designed "to promote full communication between public employers and their employees by providing a reasonable method of resolving disputes regarding wages, hours, and other terms and conditions of employment between public employers and public employee organizations." The City will be required to "meet and confer in good faith" with representatives of recognized employee organizations. If they reach agreement, the management and employee representatives will jointly prepare a memorandum of understanding, which will not be binding but will be presented "to the governing body for determination." Mediation is envisioned in cases in which agreement is not forthcoming.

Suggestion (36):

Study should be given to making the City Manager responsible for the development of a formal employee-management relations program, including the conduct of any negotiations resulting in a memorandum of understanding or written agreement with recognized employee organizations.

Suggestion (37):

Study should be given to the role of the Civil Service Commission in view of trends in employee-management relations.

Suggestion (38):

Study should be given to the desirability of a charter amendment stating that the provisions of a memorandum of understanding between employee and employer representatives need not be approved by the Civil Service Commission prior to their submission to the City Council, while making it a responsibility of the Civil Service Commission to advise the City Council concerning the compatibility of such provisions with the principles of the merit system.

Suggestion (39):

Study should be given to determine whether Section 130 of the Charter, or its equivalent, should contain a statement that the establishment of a salary ordinance is to be guided by the principles of uniform compensation within city employment for like services and of salary and fringe benefits comparable with those of private industry.

Suggestion (40):

Study should be given to whether the City Manager, following appropriate participation by the Personnel Director and employee organizations, should be responsible for recommending a schedule of compensation to the City Council.

- Q. WHAT CHANGES IN THE CHARTER MAY BE NECESSARY IN ORDER TO FACILITATE THE DEVELOPMENT OF AN EFFECTIVE EMPLOYMENT-OPPORTUNITIES PROGRAM FOR PERSONS FROM DISADVANTAGED GROUPS?

It appears that rigid adherence to the merit principle and to the procedures of Civil Service may limit opportunities for employment and job training of disadvantaged persons.

Suggestion (41):

Study should be given to the desirability for charter revision of Civil Service provisions which would facilitate appointment of more persons from disadvantaged groups.

- R. SHOULD CHARTER PROVISIONS RELATING TO CIVIL SERVICE MERIT AND RETIREMENT SYSTEMS BE SHORTENED TO PROVIDE ONLY FOR THE BASIC FRAMEWORK?

Shortening of these provisions has been supported on the ground that greater flexibility is needed to meet emerging needs.

Suggestion (42):

Study should be given to the desirability of removing from the charter all but the basic framework of personnel and retirement systems in order to permit the city greater flexibility to fix responsibilities by ordinance.

Suggestion (43):

Study should be given to the desirability of deleting Section 139 of the Charter (Further Powers) as either redundant or as an undesirable limit on the power of the City Council.

- S. SHOULD THE CHARTER BE AMENDED TO ELIMINATE VETERANS PREFERENCE IN VARIOUS TYPES OF PERSONNEL ACTIONS?

Veterans' preference has been attacked as inconsistent with merit system philosophy. It has been defended as a proper reward for service to our country or as a proper form of assistance to veterans in their re-entry to civilian life.

Suggestion (44):

Study should be given to the philosophy and purpose of veterans' preference and the desirability of limiting veterans' preference to entrance examinations and to a specified eligibility period.

- T. SHOULD CHARTER PROVISIONS GOVERNING THE POLITICAL ACTIVITIES OF CIVIL SERVICE EMPLOYEES BE REVISED?

Recent court decisions have moved in the direction of permitting civil service employees greater participation in the electoral process.

Suggestion (45):

Study should be given as to the need for changes in charter provisions concerning employee political activity should be obtained.

- U. SHOULD PROVISIONS CONCERNING THE CITY SCHOOLS BE DELETED FROM THE CHARTER?

Most California public school systems, including all those in San Diego County, are governed by state law. While a city charter may govern the number, terms and method of election of members and of boards of education, greater flexibility of school operations may be permitted if state law governs completely. On the other hand, charters can provide certain provisions which the voters consider desirable, such as delineating board election districts or the addition of a board member to facilitate representation for minority segments of the community.

Suggestion (46):

Study should be given to the desirability of retaining, changing, or eliminating the charter provisions governing the Board of Education.

- V. SHOULD THE CHARTER FORMAT BE REORGANIZED IN ORDER TO OBTAIN A MORE LOGICAL ARRANGEMENT OF CHARTER SECTIONS?

The charter is criticized on the grounds that because provisions are not always in logical order, the charter is difficult to read and interpret.

Suggestion (47):

Study should be given to reorganizing the city charter in accord with recommendations of the City Attorney.

PILOT COMMITTEE FOR CHARTER REVIEW

Approved by the members and submitted to Mayor Frank

Curran on this 11th day of October, 1968.

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