



BLUE RIBBON
COMMITTEE
FOR
CHARTER REVIEW

REPORT TO
THE MAYOR AND CITY COUNCIL
OF THE
CITY OF SAN DIEGO





THE CITY OF SAN DIEGO

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OFFICE OF CHARTER REVIEW COMMITTEE

February 17, 1969

The Honorable Mayor
and City Council
City of San Diego
City Administration Building
San Diego, California 92101

Gentlemen:

Set forth below is the report of your Blue Ribbon Committee on Charter Review. This Committee gave careful consideration to all of the questions about the present City Charter raised by the first-stage Pilot Committee. It benefitted greatly from the preliminary study by the Pilot Committee; indeed, it could not have completed its task in the brief period of time assigned to it (October, 1968 to February, 1969) without the background work done by the Pilot group.

The membership of the Blue Ribbon Committee represented a variety of viewpoints, reflecting your effort to make it broadly representative of the whole community. It dealt with a number of controversial issues. Despite these two facts, the degree of unanimity in votes cast was high, even on those issues which aroused the greatest controversy. On the great majority of its recommendations, the Committee's vote was unanimous.

Each of the recommendations of this Committee emerged after careful study and consideration by one of five subcommittees and opportunity for full discussion by the entire Committee. The Blue Ribbon Committee did not feel it necessary to suggest radical changes in our form of government; nor did it attempt to sidestep issues because of a fear that its recommendations would be criticized by individuals or groups. There are no utopian proposals for change in the recommendations of this Committee. All have withstood the test of frank and open discussion. The recommendations faithfully carry out the mandate given to this Committee to propose changes which will strengthen our municipal government and enable to adapt to the changes that will emerge in the decade of the 1970's.

ROBERT F. WILCOX,
CHAIRMAN
LOIS BROZEY,
VICE CHAIRMAN

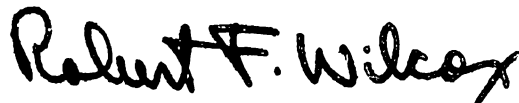
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KARL ZOBELL

It is a striking coincidence that the recommendations of this Committee will be completed and placed before the voters of the community during the year marking the 200th anniversary of the City of San Diego. The year in itself is a milestone. Perhaps the work of this Committee will constitute something of a milestone on the path of our city's civic progress.

I do not believe I am overstating the importance of our work when I say that we are in a period of major transition. The kind of city that San Diego became in the 1930's it remained for a long period of time despite the changes brought about by World War II and the Korean conflict. However, the changes of the 1960's are now perceptible to everyone. They are psychological as well as physical. We are on the threshold of becoming one of the nation's major cities. I believe we are aware that the early 1970's will usher in a new epoch for this community.

It is recommended that the accompanying report be delivered to the Citizens' Convention for review of substantive proposals and the drafting of appropriate language for inclusion in the Charter.

Respectfully submitted,



Robert F. Wilcox
Chairman

RFW:tw



BLUE RIBBON COMMITTEE
FOR
CHARTER REVIEW

THE CITY OF
SAN DIEGO

REPORT TO
THE MAYOR AND CITY COUNCIL
OF THE
CITY OF SAN DIEGO

Approved by the members and submitted to the Mayor and
City Councilmen on this 17th day of February, 1969

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PROPOSED PREAMBLE

It has been customary for constitution-drafters in the United States to include a preamble which sets forth a few basic goals or objectives of government. Strangely, those who have drafted constitutional documents for local government -- city charters -- have disregarded this tradition. A preamble to a charter could serve as a reminder to residents, employees and officials that there are noble purposes underlying the mundane machinery established by the charter. Therefore, the Blue Ribbon Committee recommends that the Citizens' Convention adopt a preamble for the charter, giving consideration to the proposed model below.

It is the purpose of this Charter to provide a system of municipal government which builds on the best of the past while adapting to the challenges and problems of future growth and to the change which occurs inevitably with the passing of time. The government provided by this Charter should support the efforts of San Diego's residents to enhance their community's potential as a desirable place for work and leisure.

This Charter seeks to blend the advantages of professional administration of government through the council-manager system with leadership in city policy-making firmly placed in the hands of officials selected by the citizens through democratic, electoral machinery and responsive to the views of all segments of the community.

The system of government envisioned by this Charter is one that is honest, free of the harmful influences of excessive partisanship, careful and deliberate in its balancing of broad community interest against interests advocated by sections or groups, and mindful of its obligations to serve all residents effectively and equally and provide necessary regulation of conduct with equity.

It is the intent of this Charter that all officers and employees of the City will strive to maintain the highest ethical standards in carrying out the business of government and in their relationships with the people.

PRINCIPAL RECOMMENDATIONS

Basic Structure

The Blue Ribbon 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.

The Blue Ribbon Committee determined that its task involved the study of four basic areas in government; that is, administrative agencies, finance, form and structure of government, and representation.

Administrative Agencies

In analyzing the functions of the agencies and departments organized to deal with the administrative procedures of the city, the Blue Ribbon Committee gave primary emphasis to the suggestions of the Pilot Committee, as they included the most contentious issues in present local government affairs. The Blue Ribbon Committee recommends that the City Attorney be an appointed official rather than an elected one and that he retain his present functions of dealing both with civil matters and with prosecuting violations of municipal ordinances. The members of the Committee agree that the Planning and Personnel Directors can effectively meet the needs of the local government in their present status. Therefore, no change is recommended in the position or duties of these two officers.

Because of the rapid development of San Diego with an attendant increase in the number of zoning appeals heard by the Planning Commissioners, this Committee recommends that the planning and zoning functions be separated, thereby affording each commission the membership and time required to cope with urban growth. The Committee recommends that no substantive changes be made in the Charter provisions describing the functions of the Civil Service Commission.

The primary recommendations relative to administrative agencies are listed below:

1. That the City Attorney be appointed by the City Council; that an extraordinary majority of seven votes be required to dismiss him; that the present incumbent be considered to have been appointed. 1 (*PCR Suggestion 17)
2. That the City Attorney retain his assigned prosecuting functions. 2 (*PCR Suggestion 18)
3. That no change be made at this time in present relationships between the Planning Department and Planning Commission, or in the relations between these bodies and other agencies or departments of the city government including the Planning Director. 3 (*PCR Suggestions 25 and 26)

4. That the Planning Commission with its present number of members, be retained; that terms be lengthened from two to four years and be staggered so that terms of four members and three members, respectively, expire at two-year intervals. 4 (*PCR Suggestion 27)
5. That zoning be excluded from the jurisdiction of the Planning Commission in Charter Section 42; that a Zoning Commission be created the functions of which shall be determined by the City Council; that the Zoning Commission consist of seven members appointed by the Mayor for four-year terms; that terms be staggered so that terms of four members and three members, respectively, expire at two-year intervals; that the City Attorney and City Engineer be members ex officio without vote; that Subdivision Maps and Conditional Use Permits be made a function of the Zoning Commission. 5 (*PCR Suggestions 29 and 30)
6. That the Personnel Director remain responsible to the Civil Service Commission and that the Civil Service Commission retain its present functions. 6 (*PCR Suggestions 33 and 34)
7. That the Charter provisions making the Personnel Director responsible for the establishment of standards of efficiency, be retained. 7 (*PCR Suggestion 35)
8. That the present Charter provisions provide adequate flexibility for the city to cope with the provisions of Senate Bill 1228 and those developments in employee-management relations which are now clearly visible. 8 (*PCR Suggestions 36, 37, 38 and 40)
9. That Charter revision is not necessary to facilitate appointment of more persons from disadvantaged groups. 9 (*PCR Suggestion 41)
10. That Section 31 (Political Activities) be repealed. 10 (*PCR Suggestion 45)

Other recommendations will be found in Appendix I.

Finance

The Committee believes that the Charter should be amended to facilitate improved practices in the administration of the city's finances and that financial alternatives available to the city should be broadened. The Committee recommends changes in present provisions relating to the Auditor and Comptroller and to the Treasurer. Further, the Committee recommends certain procedural changes in municipal purchasing and bonding that can be effected without impairing financial safeguards. Major recommendations for revision of the financial provisions are listed below:

1. That Sections 90.1 and 90.2 (Water and Sewer Bonds) be combined. 11
2. That the combination of Sections 90.1 and 90.2 should be accomplished by substantial revisions, following three guidelines:

- a. elimination of duplication of material common to both sections which must be retained;
 - b. deletion of all language held to be no longer needed;
 - c. substitution of new language designed to permit the city to use general law provisions to govern authorization and issuance of future water and sewer revenue bonds. (*PCR Suggestions 23 and 24)
3. That, as an alternative, if combination of Sections 90.1 and 90.2 is not legally possible or feasible, then these individual sections should be revised in accordance with paragraph 2b and 2c above. (*PCR Suggestion 24)
 4. That provision be added to Section 90 (Contracting Bonded Indebtedness), permitting use of revenue bonds for other than water and sewer purposes under General Law provisions; that issuance of revenue bonds should be authorized by a simple majority vote of the electorate, and further, if any public entity other than the city is to incur bonded indebtedness and there is a contingent liability which may be imposed by law upon the city to levy a city-wide ad valorem tax to pay bond interest and redemption in the event that the public entity, other than the city, cannot meet its obligations with respect to such bonded indebtedness, then a vote of a majority of the electors of the city shall first be required. 12 (*PCR Suggestion 23)
 5. That the detailed description of duties contained in Section 45 (City Treasurer) be deleted, beginning with paragraph 3 and continuing to the end of the section. 13 (*PCR Suggestion 23)
 6. That the Funds Commission should make all investments of city funds, including Retirement Board funds (Sections 41(a), 144 and 145) and that the Funds Commission be enlarged to include two active members of that system. Additionally, one of the citizen members of the commission shall be a resident official of a life insurance company. 14 (*PCR Suggestion 23)
 7. That the office of Purchasing Agent be retained as presently described in Section 35, but that the detailed description of duties be deleted, beginning with paragraph 2, sentence 2, continuing to the end of that section, except retain the last sentence of the final paragraph. 15 (*PCR Suggestion 21)
 8. That sentence 2 of paragraph 1, Section 94 (Contract Limitations), be deleted. 16 (*PCR Suggestion 22)
 9. That the office of Auditor-Comptroller be retained as presently described in the Charter, with the following exception: 17
 - a. That the title "Auditor and Comptroller" be changed to "City Auditor", which more accurately describes the functions of the office.

- b. Alternatively, the title be changed to "Auditor Controller", as "Comptroller" is archaic. (*PCR Suggestions 31 and 32)
10. That the following language be substituted for the present language of Section 81 (Allotments). "The Manager shall be responsible for establishing internal budgetary controls based on the allocations contained in the Annual Appropriation Ordinance for each department of the city." 18 (*PCR Suggestion 23)
 11. That Section 88 requiring monthly reports to the Auditor and Comptroller of all moneys received, be deleted. (*PCR Suggestion 23)
 12. That Section 89 requiring monthly reports to the Council by the Auditor and Comptroller, be deleted. 19 (*PCR Suggestion 23)
 13. That there should be no change in the tax rate limitation in Section 76. 20 (*PCR Suggestion 20)

Other recommendations will be found in Appendix I.

Form and Structure of Government

Complex urban problems require strong leadership in city government to develop policies and decisions. Therefore, certain revisions in the position and role of the Mayor are recommended to provide the Mayor with better tools for the exercise of community leadership. This Committee recommends enhancing the leadership position of the Mayor by granting him the veto power, subject to specific override measures; the Mayor should be recognized as the head of the city government and should be assigned the responsibility for human relations in the community. This Committee believes the ability of the Mayor to satisfy the needs of executive leadership in San Diego will be increased by authorizing him to appoint members of most boards, commissions and committees without Council confirmation. Further, this Committee recommends that the salaries of the Mayor and Councilmen should be raised as they are not now commensurate with the responsibilities of these officers. Finally, in answer to the question as to whether or not the general powers given by the Charter are adequate to resolve future problems with which San Diego will be concerned, this Committee believes that there are no restrictions preventing San Diego from carrying out positive intergovernmental relations and that our Charter is adequately structured to permit local government to cope with future demands.

The major recommendations relating to form and structure of government, are listed below:

1. That Section 24 be amended to identify the Mayor as the official head of the city and that the words "for all ceremonial purposes, by the courts for the purpose of serving civil process, for the signing of all legal documents, and by the Governor for military purposes" be excluded from the Charter. 21 (*PCR Suggestion 2)

2. That the words "with Council confirmation" be deleted from Sections 41, 42, 43, 43.1 and 115 of the Charter and that the word "technical" be removed from Section 43(b), line 3; that the Council may appoint members to committees, boards and commissions if the Mayor does not take action within thirty (30) days; that the Council may remove committee, board and commission members by a 2/3 majority vote. 22 (*PCR Suggestion 3)
3. That the Mayor be assigned the responsibility for human relations leadership of the city. 23 (*PCR Suggestion 4)
4. That Section 24 be amended to require the Mayor to develop an annual municipal legislative program for presentation to the Council and that he be authorized to develop and propose to the Council other legislative proposals from time to time. 24 (*PCR Suggestion 4)
5. That the Mayor be authorized up to five (5) unclassified assistants, plus a secretary, and that the Mayor be authorized additional unclassified assistants by a 2/3 vote of the Council. 25 (*PCR Suggestion 5)
6. That the Mayor be given the power of veto in all matters which must be passed by the City Council; that the Mayor must exercise his veto within ten (10) days of passage of a measure, otherwise the measure becomes effective without his signature; that the Council shall have thirty (30) days from the date of a veto to override it by a majority of six (6) members; that the veto authority does not include an item veto of the Appropriation Ordinance. 26 (*PCR Suggestion 7a)
7. That the Mayor be relieved of mandatory attendance at Council meetings except when measures requiring eight (8) affirmative votes for approval are on the council docket. 27 (*PCR Suggestion 7d)
8. That reference to Mayor and Council salaries should be removed from the Charter, and, further:
 - a. That a Salary Review Commission should be established to make recommendations biennially to the City Council concerning the salaries to be paid to the Mayor and the City Council; that the City Council cannot establish salaries in excess of the amounts thus recommended; that the adoption of such salary change be subject to referendum.
 - b. Such Commission shall consist of five (5) members, selected as follows:
 - (1) three members appointed by the Judges of the San Diego Superior Court,
 - (2) two members appointed by the Civil Service Commission.

- c. Members should be citizens of the City of San Diego for three (3) years preceding their appointment. They will serve six-year staggered terms with the terms of three members expiring at one time and two members expiring three years later. 28 (*PCR Suggestion 8)

Other recommendations may be found in Appendix I.

Representation

To ensure input of creative and diverse ideas from all segments of the city's population and to increase the Mayor's and Councilmen's awareness and capability of dealing with the city's problems, this Committee recommends revisions pertaining to citizen representation. The Committee believes that a change in the manner of selecting our elected representatives is required so that San Diego's future expansion will be planned by legislators directly representing their district constituencies. To effect this proposal, the Committee further recommends revision of the procedures for districting and redistricting. The major recommendations to the Charter in the area of representation are listed below:

1. That Section 10 (Elections) be amended to provide for both nomination and election of Councilmen by districts. (*PCR Suggestion 12)
2. That Council districts should be apportioned on the basis of population rather than on the basis of registered voters. (*PCR Suggestion 11)
3. That Section 5 (Redistricting) be amended so that line 8 reads "at least every five (5) years" instead of redistricting every ten years as presently required. (*PCR Suggestion 11)
4. That language be placed in the Charter to the effect that, insofar as possible, the districting process shall not divide whole communities. 29 (*PCR Suggestion 11)
5. That Charter sections relating to filling vacancies remain as now stated. 30 (*PCR Suggestions 14, 15 and 16)
6. That no change be made in the Charter provisions governing election of school board members. 31 (*PCR Suggestion 46)
7. That the present six (6) calendar day minimum period between introduction and passage of non-emergency ordinances be changed to a twelve (12) calendar day minimum. 32 (*PCR Suggestion 13)

Other recommendations may be found in Appendix I.

* Pilot Committee Report, October 11, 1968

APPENDIX I

Recommendations Based on Pilot Committee Suggestions

1. That Section 24 (Mayor) be amended to identify the Mayor as the official head of the city and the words "for all ceremonial purposes, by the courts for the purpose of serving civil process, for the signing of all legal documents, and by the Governor for military purposes" be excluded from the Charter. (*PCR Suggestion 2)
2. Delete the words "with Council confirmation" from Sections 41, 42, 43, 43.1 and 115. Remove the word "technical" from Section 43(b), line 3.
 - a. The Council may appoint members to committees, boards and commissions if the Mayor does not take action within 30 days.
 - b. The Council may remove the members by a 2/3 majority vote. (*PCR Suggestion 3)
3. That the Mayor be assigned the responsibility for human relations leadership of the city. (*PCR Suggestion 4)
4. That Section 24 (Mayor) be amended to require the Mayor to develop an annual municipal legislative program for presentation to the Council and that he be authorized to develop and propose to the Council other legislative proposals from time to time. (*PCR Suggestion 5)
5. That the Charter be amended so as to authorize the Mayor up to five (5) unclassified assistants, plus a secretary, and that the Mayor be authorized additional unclassified assistants by a 2/3 vote of the Council. (*PCR Suggestion 5)
6. That the Mayor be given the power to veto in all matters which must be passed by the City Council; that the Mayor must exercise his veto within ten (10) days of passage of a measure, otherwise the measure becomes effective without his signature; that the Council shall have thirty (30) days from the date of a veto to override it by a majority of six (6) members; that the veto authority does not include an item veto of the Appropriation Ordinance. (*PCR Suggestion 7a)
7. That the Mayor be relieved of mandatory attendance at Council meetings except when measures requiring eight (8) affirmative votes for approval are on the council docket. (*PCR Suggestion 7d)
8. That reference to Mayor and Council salaries should be removed from the Charter. (*PCR Suggestion 8)
9. That a Salary Review Commission should be established to make recommendations biennially to the City Council concerning the salaries to be paid to the Mayor and the City Council; that the City Council cannot establish salaries in excess of the amounts thus recommended; that the adoption of such salary change be subject to referendum.

APPENDIX I

- a. That the Salary Review Commission consist of five (5) members, selected as follows:
 - (1) three members appointed by the Judges of the San Diego Superior Court, and
 - (2) two members appointed by the Civil Service Commission.
 - b. That members should be citizens of the City of San Diego for three (3) years preceding their appointment. That they will serve six-year staggered terms with the terms of three members expiring at one time and two members expiring three years later. (*PCR Suggestion 8)
10. That there are no Charter restrictions preventing cooperation by San Diego with other units of government and that the power presently given to the city by the Charter and under statute, is adequate for contemporary and future needs of the city. (*PCR Suggestion 10)
 11. That Council districts should be apportioned on the basis of population rather than on the basis of registered voters. (*PCR Suggestion 11)
 12. That Section 5 (Redistricting), line 8, be changed to read "at least once every five years" instead of as it now reads. (*PCR Suggestion 11)
 13. That language be placed in the Charter to the effect that insofar as possible the districting process shall not divide whole communities. (*PCR Suggestion 11)
 14. That necessary changes be made to replace references to registered voters by references to population, as follows:
 - a. Section 4 Redistricting Established
 - (1) Paragraph 1, line 2, delete "registered voters" between the words "in" and "population".
 - (2) Paragraph 1, delete the second sentence (This is no longer pertinent).
 - (3) Paragraph 1, third sentence, delete the word "thereafter".
 - b. Section 5 Redistricting
 - (1) Paragraph 1, sentence 2, line 7, delete "registered voting".
 - (2) Paragraph 2, sentence 1, line 5, delete "qualified voters" and insert the word "population".

APPENDIX I

- (3) Paragraph 3, sentence 1, line 2, substitute "population" for "registered voters". (*PCR Suggestion 11)
15. That Section 10 (Elections) be amended to provide for both nomination and election of Councilmen by districts. (*PCR Suggestion 12)
 16. That the present six (6) calendar day minimum period between introduction and passage of non-emergency ordinances be changed to a twelve (12) calendar day minimum period. (*PCR Suggestion 13)
 17. That sections relating to filling vacancies remain as now stated in the Charter. (*PCR Suggestions 14, 15 and 16)
 18. That the City Attorney be appointed by the City Council; that an extraordinary majority of seven (7) be required to dismiss the City Attorney; that the present incumbent be considered to have been appointed. (*PCR Suggestion 17)
 19. That the City Attorney retain his assigned prosecuting functions. (*PCR Suggestion 18)
 20. That provision be added to Section 90 (Contracting Bonded Indebtedness), permitting use of revenue bonds for other than water and sewer purposes under General Law provisions; that issuance of revenue bonds should be authorized by a simple majority vote of the electorate, and further, if any public entity other than the city is to incur bonded indebtedness and there is a contingent liability which may be imposed by law upon the city to levy a city-wide ad valorem tax to pay bond interest and redemption in the event that the public entity, other than the city, cannot meet its obligations with respect to such bonded indebtedness, then a vote of a majority of the electors of the city shall first be required. (*PCR Suggestions 19 and 23)
 21. That Sections 90.1 (Water) and 90.2 (Sewers) be combined and that this combination be accompanied by substantial revisions, following three guidelines:
 - a. elimination of duplication of material common to both sections which must be retained;
 - b. deletion of all language held to be no longer needed; and
 - c. substitution of new language designed to permit the city to use general law provisions to govern authorization and issuance of future water and sewer revenue bonds. (*PCR Suggestion 19)
 22. That if a combination of Sections 90.1 and 90.2 is not legally possible or feasible, then these individual sections should be revised in accordance with 21b and 21c above. (*PCR Suggestion 19)

APPENDIX I

23. That there should be no change in the tax rate limitation in Section 76 (Limit of Tax Levy). (*PCR Suggestion 20)
24. That the office of Purchasing Agent be retained as presently described in Section 35, but that the detailed description of duties be deleted, beginning with paragraph 2, sentence 2, continuing to the end of the section, except retain the last sentence of the final paragraph. (*PCR Suggestion 21)
25. That Section 94 (Contracts) be amended by deleting sentence 2 of paragraph 1. (*PCR Suggestion 22)
26. That the following language be substituted for the present language of Section 81. "The Manager shall be responsible for establishing internal budgetary controls based on the allocations contained in the Annual Appropriation Ordinance for each department of the city." (*PCR Suggestion 23)
27. That Section 126 (Certification of Payrolls) be amended by deleting from the first sentence the words, "...The Treasurer shall not pay, nor shall...", and by adding to the first line, (after "The Auditor and Comptroller") the words "...shall not...". (*PCR Suggestion 23)
28. That the detailed description of duties contained in Section 45 (City Treasurer), be deleted, beginning with paragraph 2 and continuing to the end of the section. (*PCR Suggestion 23)
29. That the Funds Commission should make all investments of city funds, including Retirement Board funds. (Sections 41(a), 144, 145) and that the Funds Commission be enlarged to include two active members of the employees' retirement system. Additionally, one of the citizen members of the commission shall be a resident official of a life insurance company. (*PCR Suggestion 23)
30. That Section 68 (Budget and Accounting System), be deleted. (*PCR Suggestion 23)
31. That Section 69 be changed to require budget estimates from departments not under the Manager be submitted to him "not later than April 1". (*PCR Suggestion 23)
32. That Section 71 be amended to require "a minimum of two public hearings" on the Annual Appropriation Ordinance, and that this section be further amended by adding the provision that the Annual Appropriation Ordinance be adopted "not later than the last meeting in July". (*PCR Suggestion 23)
33. That the City Attorney devise the necessary language for Section 80 (Money Required to be in Treasury) that will eliminate the use of the term "certificate" but will still provide adequate safeguard. (*PCR Suggestion 23)

APPENDIX I

34. That the following language be deleted from Section 76 (Limit of Tax Levy) (lines 5 and 6), "...pension funds herein provided for the Police and Fire Departments and the..." (*PCR Suggestion 23)
35. That the words, "...except for the use of the Harbor Department...", be deleted from Section 77 (Capital Outlay Fund), paragraph 4. (*PCR Suggestion 23)
36. That the words, "...and subsection (h) of Section 69 of this Article...", be deleted from Section 84, line 5. (*PCR Suggestion 23)
37. That the following changes be made in provisions relating to the disposition of funds collected by city officers and employees:
 - a. That the following provision be added to Section 85 (Daily Deposits of Money): "...Unless otherwise authorized by ordinance upon recommendation of the Auditor and Comptroller".
 - b. The first sentence of Article 86 (Disposition of Public Moneys) is superfluous and should be deleted.
 - c. The following provision should be added to the second sentence of Section 86 (after the words "...shall be credited to the general fund of the city..."): "...or that fund from which the unclaimed moneys would have been paid." The word "such" between "all" and "moneys", beginning with sentence 2, line 11, should be deleted. (*PCR Suggestion 23)
38. That no change be made at this time in present relationships between the Planning Department and the Planning Commission or in the relations between these bodies and other agencies or departments of the city government including the Planning Director. (*PCR Suggestions 25 and 26)
39. That the Planning Commission with its present number of members be retained; that terms be lengthened from two to four years and be staggered so that terms of four members and three members, respectively, expire at two-year intervals. (*PCR Suggestion 27)
40. That no additional statements in the Charter are necessary to preclude conflicts of interest. (*PCR Suggestion 28)
41. That zoning be excluded from the jurisdiction of the Planning Commission in Charter Section 42; that a Zoning Commission be created the functions of which shall be determined by the City Council; that the Zoning Commission consist of seven members appointed by the Mayor for four-year terms; that terms be staggered so that terms of four members and three members, respectively, expire at two-year intervals; that the City Attorney and City Engineer be members ex officio without vote; that Subdivision Maps and Conditional Use Permits be made a function of the Zoning Commission. (*PCR Suggestions 29 and 30)

APPENDIX I

42. That the office of Auditor and Comptroller be retained as presently described in the Charter, with the following exception:
 - a. The title be changed to "City Auditor", which more accurately describes the functions of the office.
 - b. Alternatively, the title be changed to "Auditor and Controller", as "Comptroller" is archaic. (*PCR Suggestions 31 and 32)
43. That Section 88 requiring monthly reports to the Auditor and Comptroller of all moneys received, be deleted. (*PCR Suggestions 31 and 32)
44. That Section 89 requiring monthly reports to the Council by the Auditor and Comptroller, be deleted. (*PCR Suggestions 31 and 32)
45. That the Personnel Director remain responsible to the Civil Service Commission and that the Civil Service Commission retain its present functions. (*PCR Suggestion 34)
46. That the Charter provisions making the Personnel Director responsible for the establishment of standards of efficiency not be deleted. (*PCR Suggestion 35)
47. That the present Charter provisions provide adequate flexibility for the city to cope with the provisions of Senate Bill 1228 and those developments in employee-management relations which are now clearly visible. (*PCR Suggestions 36, 37, 38 and 40)
48. That there is no necessity for Section 130 (Compensation Established), or its equivalent, to 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. (*PCR Suggestions 39 and 40)
49. That Charter revision is not necessary to facilitate appointment of more persons from disadvantaged groups. (*PCR Suggestion 41)
50. That the present provisions for personnel and retirement systems should not be revised. (*PCR Suggestion 42)
51. That Section 139 (Further Powers) should not be revised. (*PCR Suggestion 43)
52. That no change be made to the provisions concerning Veterans Preference. (*PCR Suggestion 44)
53. That Section 31 (Political Activities), be repealed. (*PCR Suggestion 45)

APPENDIX I

54. That no change be made in the Charter provisions governing election of school board members. (*PCR Suggestion 46)
55. That temporary provisions governing 1965 elections and the reference to compensation to school board members, be deleted. (*PCR Suggestion 47)

* Pilot Committee Report, October 11, 1968

APPENDIX II

Additional Recommendations

This Committee, as the intermediate phase of a three-stage study, received suggestions in addition to those submitted by the Pilot Committee. On the basis of its consideration of these suggestions, the following additional recommendations are presented.

1. Section 7: Substitute "taking office" for election or appointment as a residence requirement where appearing in this section.
2. Section 10: Eliminate the reference to the taking of an oath of office. Article XX, Section 3 of the State Constitution requires an oath by public officers and employees that might cause the Charter oath to be unconstitutional.

: In the last paragraph, line 4, place a period after "appointed." and delete the rest of this paragraph.
3. Section 12: Change paragraph 2, lines 3 and 4 to read, "the term of four years from and after 10:00 A.M. the first Monday after...".

: In paragraph 2, line 10, change the word "shall" to "may".

: Add a provision waiving the one-year residency requirement if redistricting takes place so that those persons residing in affected districts contiguous to the redistricted areas, will be eligible to become candidates.

: Paragraph 3, line 2, change to specify that primary and general elections are required in the event a special election is called to fill a vacancy. This assumes Councilmen are elected at large.

: Paragraph 4, line 1, change to read, "The Council shall vacate the seat of any Councilman who is absent from eight (8) consecutive meetings or fifty per cent (50%) of any scheduled meetings within a month, unless the absence thereof is excused by resolution of the Council."

: Last paragraph, line 3, add the word "advisory" to Board and Commission and delete "Committee".

: Last paragraph, specify that a Councilman may not also serve as Mayor.
4. Section 13: First paragraph, sentence 1, line 3, change "regular" to "regularly" and add the word "scheduled" between "regularly" and "meeting".

: Second sentence change as indicated above.

APPENDIX II

: Change the first sentence, paragraph 2, to read, "Shall by ordinance or resolution except where otherwise required by the Constitution, General Law or this Charter."

: Paragraph 3, sentence 2, change to read, "Special meetings shall be held in compliance with State Law."

5. Section 18: Revise this section to read, "Upon its adoption each ordinance or resolution shall be authenticated and filed in the office of the City Clerk. Upon its adoption each ordinance or resolution of a general nature shall be published at least once in such manner as may be provided by this Charter or by ordinance."
6. Section 23: That the City Attorney be requested to submit an opinion or report on the use of the terminology "ordinances" and "resolutions" as they appear in this section and other sections of the Charter and make recommendations, if there are any inconsistencies in the current state law.
7. Section 26: As to how the City Council creates a department requires clarification.
8. Section 27: Change the last paragraph to read, "...the Council shall fill the same within ninety (90) days after the vacancy occurs and it shall require the affirmative vote of a majority of the members of the Council to appoint a person to the office of Manager; thereafter, the Manager shall be appointed by the Mayor.
9. Section 38: Change the sentence 2, line 3, to read, "...or by ordinances of the City unless he authorized another department to retain the same, including the journal...".
10. Section 41: Paragraph 1, delete the requirement that presiding officers of each of the Commissions have a meeting "not less than once each six months".
11. Section 43: Paragraph 1, sentence 2, add after the word "Mayor", "...except that there shall be a holdover period of ninety (90) days in which the old members will continue to function pending appointment of replacements."
12. Section 66: Replace the words "preceding his election or appointment" where appearing, with the words "taking of office".

: Establish a 30-day period within which the Board must appoint or call an election.
13. Section 69: Last paragraph, sentence 1, line 2, change to read, "...prepared, for examination or distribution to citizens...".

APPENDIX II

14. Section 90: Where the required vote of the Council appears to be five (5) members, change the number of six (6) members.
15. Section 103: Sentence 2, change to read, "...adopted by the votes of six (6) of the members."
16. Section 110: Paragraph 2, line 4, change to read, "...filed with the City Clerk of the City...".
17. Section 113: Paragraph 1, line 3, delete the words "for ten days".
18. Section 115: Paragraph 3, line 2, change to read, "...of at least six members of said...".
19. Section 211: Paragraph 1, line 3, change to read, "...Subscribe to an oath as provided by the Constitution or General Law of the State."
: Delete the second paragraph.
20. Section 216: Eliminate this section as it has been preempted by State Law.

APPENDIX III

Suggestions Disapproved or Not Acted Upon

Set forth below are Pilot Committee suggestions on which this Committee took one of two positions, recommending either disapproval or no action. This Committee considered these suggestions either needed further study or were outside its mandate.

- 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.
NO ACTION RECOMMENDED
- Suggestion 7b: Whether the Mayor should be given authority to formulate the city's operating budget. NOT RECOMMENDED
- 7c: Whether the Mayor should supervise directly any operating department. NOT RECOMMENDED
- 7e: Whether the Mayor should hire and fire the City Manager.
NOT RECOMMENDED
- 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.
NO ACTION RECOMMENDED
- Suggestion 47: Study should be given to reorganizing the City Charter in accordance with recommendations of the City Attorney.
NO ACTION RECOMMENDED

APPENDIX IV

Footnotes

- 1 The City Attorney serves as legal advisor to the Mayor and Council. Therefore, the Committee believes that the Council should have the authority to select its legal advisor subject to the protection against political favoritism afforded by the requirement of an extraordinary majority for dismissal.
- 2 Removal of the prosecuting functions from the City Attorney will deny the City of San Diego revenue now derived from fines imposed for infractions of municipal ordinances.
- 3 This problem is presently so fraught with controversy and complications that a decision should be postponed until a complete study can be made by a citizen group to disentangle fiction from fact and emotion from objectivity.
- 4 A four-year term provides time for commissioners to acquire much greater knowledge and understanding of the planning process.
- 5 The Zoning Commission should be given functions relating to zoning now performed by the Planning Commission. This would free the Planning Commission for the more important function of long-range planning and thus increase citizen willingness to serve.
- 6 This recommendation is based on the observation that the participants in the personnel process (i.e., city management, councilmen, civil service commissioners, personnel director and employee group representatives) generally deem the present arrangement as desirable and as effective in meeting the needs of the city.
- 7 This particular Charter provision serves a useful purpose in assuring that all city employees meet the same standards of efficiency without regard to the particular department in which they may be serving.
- 8 The Committee does not believe it wise to incorporate into the Charter collective bargaining provisions; such provisions would belong more properly in ordinances, or may be further prescribed by state law. It should be noted that Senate Bill 1228 was explicitly not intended to supersede Charter provisions which establish and regulate a civil service system.
- 9 The Committee did not find in the Charter any provisions that might hinder appointment of persons from disadvantaged groups, consistent with the general philosophy of the merit system.
- 10 Repeal of this section will permit civil service employees greater participation in the elective process, and further, will coincide with the intent of recent Supreme Court decisions relating to the political rights of public employees.

APPENDIX IV

- 11 The Utilities Department is moving toward an administrative merger of operations and could effect economies by complete merger. Combination of the two sections could provide a new basis for any future use of water or sewer revenue bonds, supported by a common fund.
- 12 This would provide greater flexibility in the city's revenue program and would enable it to respond to public needs in activities which produce revenues to cover capital and operating costs. Revenue bonds do not create an obligation against the property tax revenues of the city; therefore an approval by a simple majority vote provides adequate protection against excessive property tax rates. The second part of the recommendation would permit use of the 1915 Act to finance local improvements, subject to the protection provided by the requirement of majority vote approval.
- 13 The detailed description of duties unnecessarily limits the flexibility needed to meet changing circumstances; and should be in ordinance form.
- 14 The Committee believes that consolidation of the investment function would facilitate improved management of surplus funds. The employees' interests would be represented by the two additional members of the Commission.
- 15 The detailed description of the Purchasing Agent's duties unnecessarily limits flexibility required to meet fluctuating circumstances. Such provisions should be contained in ordinances.
- 16 The present limits of \$1,000 for purchases and \$2,500 for construction contracts are unrealistic in terms of contemporary price levels and inflationary trends. The limits place an unnecessary burden upon the time of the Council and cause delays and increased administrative costs in making relatively small purchases and construction.
- 17 The independence of this office provides a salutary control over possible misuse of funds and does not impair seriously the efficiency of the management process.
- 18 The establishment of internal budgetary controls is an appropriate function of management.
- 19 Section 39 of the Charter gives the Auditor and Comptroller "...authority over accounts and forms used by all City departments." Section 88 and 89 are redundant.
- 20 The city has not adopted a tax rate as high as that presently authorized by this section. The current trend is toward greater reliance on non-property tax revenues, so that the limitation is not likely to be burdensome in the future.
- 21 The present statement in this section implies that the Mayor is limited to specific areas as head of the city. He is the official head for more

APPENDIX IV

than ceremonial purposes and this fact should be recognized in the Charter. It is the City Attorney's belief that the deleted portion has no legal bearing on the Mayor's position.

- 22 One of the objectives of this Committee was to strengthen the office of the Mayor and to broaden his responsibilities. Permitting the Mayor to appoint members contributes to this goal. Protection against retention of unqualified persons is afforded by Council power to remove members of boards and commissions.
- 23 Although "human relations" appears to be an all-encompassing term involving the total aspect of community rapport, this Committee intends for the terms to indicate:
- a. Receiving, analyzing and mediating to resolve citizen grievances against the city.
 - b. Developing methods for accomplishing improved communications between various elements in the community and between the citizens and their local government.
 - c. Representing the city on the various organizations and attending the several commissions concerned with "human relations" problems (e.g., Community Welfare Council, Economic Opportunity Commission, etc.).
 - d. Officially effecting coordination and maintaining liaison with the various citizens' groups and committees concerned with the social and human problems of the city.
 - e. Providing assistance and consultation to the City Council and city departments upon social programs of the city and the implications of other programs related to the social and human problems of the community.
- 24 Requiring the Mayor to develop and present to the Council legislative proposals would emphasize his role as the chief policy leader of the city.
- 25 The expanded responsibilities that the Committee recommends to be given to the Mayor require additional assistance. This can be most effective if the Mayor is able to choose aides in whom he has personal confidence.
- 26 A provisional veto power further enhances a Mayor's role as policy leader. The exclusion of the item veto of the appropriations ordinance, would prohibit a mayor from thwarting Council support for a particular program.
- 27 It is not possible for a Mayor to carry out the additional responsibilities the Committee recommends if he must continue to attend all Council sessions.

APPENDIX IV

- 28 Specific salary figures should not be included in the Charter because this makes it extremely difficult to adjust salary levels to meet changing levels of responsibility and full impact of inflation. Protection against Council approval of inappropriate salary levels is provided by the establishment of an independent Salary Review Commission and by making Council action subject to referendum.
- 29 Reasons for recommendations (1) through (4) are presented in the introductory paragraph of the section on Representation on page 8.
- 30 The present provisions are sufficiently flexible to meet varied circumstances.
- 31 The school board members would also be nominated and elected by districts.
- 32 Extension of the time would increase opportunities for citizens reaction to legislative proposals.

