

Subcommittee on Interim Strong Mayor-- Recommendations

Proposed Charter Language on Redevelopment, Independent Budget Analyst (IBA) Scope and Duties, and Charter Review in Future, Prepared for Submission to the Full Committee by James Ingram

Per Subcommittee request, staff has prepared this report for forwarding to the San Diego Charter Review Committee.

At the Subcommittee's request, the staff worked with representatives from the City Attorney's Office to propose draft language for the City Charter. These representatives have helped to ensure that the form of the language is acceptable, although they are not authorized to endorse its content.

The Subcommittee made three recommendations for proposed Charter language, covering the issues of Redevelopment, IBA Scope and Duties, and Charter Review in Future. The Subcommittee adopted each of these recommendations by a separate motion. The Subcommittee voted 2-2 to approve the recommendation on Redevelopment (August 20, 2007). The Subcommittee unanimously approved the recommendations on IBA Scope and Duties, as well as Charter Review in Future (August 31, 2007).

REDEVELOPMENT

Current Language

The Charter does not contain any language regarding the issue of how the City is to handle redevelopment. The City Council acts as the Redevelopment Agency for the City, pursuant to provisions of California's Health and Safety Code. State law provides that cities may either make their governing bodies their redevelopment agency, or establish a separate redevelopment agency, whose members may be appointed by the Mayor with Council confirmation. Prior to the passage of Prop F, when San Diego employed the Council-Manager form of government, the City acted by ordinance to make the Council its Redevelopment Agency. With the passage of Prop F, the Mayor was removed from redevelopment, and thus the one policymaker who represents the whole City rather than a single district would hold no authority over redevelopment issues. Secondly, the Mayor as the CEO heads the executive branch, yet some of the executive branch's employees work under the Redevelopment Agency, clouding accountability in the City. To fix this problem, the Council has acted in its capacity as Redevelopment Agency to designate the Mayor as its Executive Director. This proposed Charter amendment would institutionalize the Council's action regarding redevelopment, and thus also clarify the ambiguous reporting relationships that emerged in terms of post-Prop F redevelopment.

Proposed Ballot Language Recommended by Subcommittee

Section 265: The Mayor

###

(b) In addition to exercising the authority, power, and responsibilities formally conferred upon the City Manager as described in section 260(b), the Mayor shall have following additional rights, powers, and duties:

###

(18) The Mayor shall serve or be designated as the chief executive officer of any organization established by federal or state law for which the City Council acts as its governing or legislative body as of the effective date of the adoption of this section by the voters of the City of San Diego. In that capacity, the Mayor shall supervise the administrative affairs of such organization, and shall have the same administrative and procedural power and authority over the affairs of such organization and governing or legislative body as the Mayor has in the conduct of the affairs of the City of San Diego, including the power of veto.

Staff Addendum

As it is presently drafted, this language would also make the Mayor the CEO of the Housing Authority. This is another City entity over which the Mayor lost all authority due to the implementation of Prop F. The City Council also acts as the Housing Authority, in accordance with California's aforementioned Health and Safety Code. It is important to distinguish between the Housing Authority and the Housing Commission. The City's Housing Commission may: "Investigate and improve dwelling conditions in the City of San Diego. Review and recommend revisions, actions, including recommendations on all matters before the Housing Authority. Approve plans, specifications, agreements, expenditures and such other matters as the Housing Authority may from time to time delegate by resolution to the commission" (Quoted from Commission website: <http://www.sandiego.gov/city-clerk/boards-commissions/861006.shtml>).

The Subcommittee was divided upon this issue. The members who made and seconded the motion voted in favor of forwarding it on to the full Committee. Two of the members voted against the motion. The fifth member of the Subcommittee was absent, and therefore the Subcommittee forwarded the recommendation without a consensus either way.

IBA SCOPE AND DUTIES

Current Language

"Section 270: The Council

###

The Council shall have the right to establish an Office of Independent Budget Analyst to be managed and controlled by the Independent Budget Analyst. The Council shall appoint this independent officer who shall serve at the pleasure of the Council and may be removed from Office by the Council at any time. The Council shall determine the powers of this Office and its manager by ordinance."

Proposed Ballot Language Recommended by Subcommittee

Section 270: The Council

###

The Council shall have the right to establish an Office of the Independent Budget Analyst to be managed and controlled by the Independent Budget Analyst. The Council shall appoint this independent officer who shall serve at the pleasure of the Council and may be removed from Office by the Council at any time. The Office of the Independent Budget Analyst shall provide budgetary and policy analysis for the

City Council. The Council shall determine the specific powers and duties of this Office and its manager by ordinance.

Staff Addendum

The City Council has specified in the Municipal Code that the IBA's Office will provide policy analysis, and therefore the present Charter permits the IBA to act as provided under the proposed Charter language. The proposed language would simply require that the IBA be charged with this authority and responsibility rather than leaving this up to ordinance. The Subcommittee unanimously forwarded this recommendation on August 31, 2007.

CHARTER REVIEW IN FUTURE

The Subcommittee has recognized that the San Diego Charter Review Commission does not have the time to recommend all of the changes that the Charter may need. Consequently, the Subcommittee has recommended unanimously that the full Committee assemble a list of unresolved issues that it would recommend that some future charter review committee or commission examine. The Subcommittee already has a number of recommendations as to what should be on this list, based on some of the items that its members have voted to table.

The Subcommittee is beginning the list with its particular tabled items, and items that it deems important for future consideration, but would welcome other Subcommittees to add their deferred or tabled items to it. The Subcommittee has recommended that the full Committee make no specific recommendations with regard to these items, except that a later body should take them up for further study. At this point, the Subcommittee's un-prioritized list of items for future charter study is as follows.

The City should look into the questions of whether _____:

1. An automatic and regular charter review process should be made part of the Charter.
2. The Charter needs to establish a more explicit process for handling the City's intergovernmental relations function.
3. The Charter should continue the IBA's Office even if the Strong Mayor form of government is allowed to sunset.
4. The Charter's present budgetary timelines are appropriate or realistic.
5. The Charter creates an appropriate role for the Mayor in closed session meetings of the Council.
6. The Charter needs to be altered, such that Article XV is an integral part of the Charter, rather than a universally modifying article at the tail of the document.
7. The Charter needs a complete re-write.