

**PROPOSED PROPOSITIONS TO
RATIFY AN ORDINANCE AND
AMENDMENTS TO THE CITY CHARTER
TOGETHER WITH ARGUMENTS**

**To Be Submitted to the Qualified Voters
of The City of San Diego at the
MUNICIPAL PRIMARY ELECTION
TO BE HELD ON TUESDAY,
SEPTEMBER 17, 1963**

The following proposed propositions for the ratification and approval of an ordinance authorizing the sale or conveyance of certain Pueblo Lands of The City of San Diego and the following proposed amendments to the Charter of The City of San Diego will be submitted to the qualified voters of The City of San Diego on Tuesday, September 17, 1963.

PHILLIP ACKER, City Clerk

PROPOSITION A
 (THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE
 FOLLOWING FORM)

PROPOSITION A. Shall Ordinance No. 8855 (New Series) of the Ordinances of The City of San Diego, entitled, "An Ordinance authorizing the sale and conveyance of 10 acres within Pueblo Lot 1274, and the conveyance of 65 acres to the San Diego Unified School District within Pueblo Lots 1269, 1272 and 1274, upon such terms and conditions as may be deemed by the City Council to be in the best interests of the people of The City of San Diego," adopted by the Council of said City July 11, 1963, be ratified?	YES	
	NO	

ORDINANCE NO. 8855 (NEW SERIES) READS AS FOLLOWS:

"ORDINANCE NO. 8855
 (New Series)

AN ORDINANCE AUTHORIZING THE SALE AND CONVEYANCE OF 10 ACRES WITHIN PUEBLO LOT 1274, AND THE CONVEYANCE OF 65 ACRES TO THE SAN DIEGO UNIFIED SCHOOL DISTRICT WITHIN PUEBLO LOTS 1269, 1272 and 1274, UPON SUCH TERMS AND CONDITIONS AS MAY BE DEEMED BY THE CITY COUNCIL TO BE IN THE BEST INTERESTS OF THE PEOPLE OF THE CITY OF SAN DIEGO.

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

Section 1. That the City Manager of The City of San Diego be, and he is hereby authorized and empowered to convey to the San Diego Unified School District fifteen (15) acres lying within Pueblo Lot 1269, thirty-five (35) acres lying within Pueblo Lot 1272, and fifteen (15) acres lying within Pueblo Lot 1274, of the Pueblo Lands of San Diego.

Section 2. That the City Manager of The City of San Diego be, and he is hereby authorized and empowered to sell and convey ten (10) acres lying within Pueblo Lot 1274 of the Pueblo Lands of San Diego.

Section 3. Such conveyances shall be upon such terms and conditions as may be deemed by the City Council to be in the best interests of the people of The City of San Diego.

Section 4. This ordinance shall become effective only after it is affirmatively approved by a majority vote of the qualified electors of The City of San Diego voting at a special municipal election to be held in said City on the 17th day of September, 1963, at which such proposition of ratifying this ordinance shall be submitted.

Presented by T. W. FLETCHER

APPROVED: ALAN M. FIRESTONE, CITY ATTORNEY

By ALAN M. FIRESTONE
 City Attorney

Passed and adopted by the Council of The City of San Diego on July 11, 1963, by the following vote:

YEAS - Councilmen: Cobb, de Kirby, Scheidle, Hitch, Curran, Evenson.

NAYS - Councilmen: None.

ABSENT - : Mayor Dail.

CHARLES C. DAIL,
 Mayor of The City of San Diego, California.

AUTHENTICATED BY:

PHILLIP ACKER,

City Clerk of The City of San Diego, California.

(SEAL)

By DONNA K. DILL , Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to-wit, on July 11, 1963, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than four members of the Council, and that there was available for the consideration of each member of the Council prior to the day of its passage a written or printed copy of said ordinance.

PHILLIP ACKER,

City Clerk of The City of San Diego, California.

(SEAL)

By DONNA K. DILL , Deputy."

ARGUMENT FOR PROPOSITION A

No argument for this proposition was filed in the Office of the City Clerk.

ARGUMENT AGAINST PROPOSITION A

No argument against this proposition was filed in the Office of the City Clerk.

PROPOSITION B

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION B. CITY OF SAN DIEGO CHARTER AMENDMENT. Amend Sections 4, 7, 12, 22 and 25 of Charter of The City of San Diego.

Amend Section 4 to increase councilmanic districts to eight effective at the municipal election in 1965; amend second paragraph Section 7 affecting elective officers of the City to waive one year's residency requirement as to the first election following the increase in councilmanic districts; amend first, second and fourth paragraphs Section 12 to establish the redistricting and election procedure in 1965 and to retain incumbents with unexpired term in office, and to require attendance of councilmen at meetings and provision for vacating office in event of prolonged absence; amend paragraph (b) Section 22 to permit members of Council to deal with a designated representative of the City Manager; amend Section 25 to change title of Vice-Mayor to Deputy Mayor.

YES

NO

This proposition amends Section 4, amends the second paragraph of Section 7, amends the first, second and fourth paragraphs of Section 12, amends paragraph (b) of Section 22, and amends Section 25 of the Charter of The City of San Diego by deleting certain provisions thereof and by the addition of new provisions. The portions to be deleted are printed in STRIKE-OUT TYPE and the portions to be added are underlined.

Section 4. DISTRICTS ESTABLISHED. For the purpose of electing members of the Council the City shall be divided into six eight Districts as nearly equal in registered voter population as practicable. For the municipal primary and general election in 1965, the boundaries of the eight councilmanic districts shall be established by the City Council as such Council was elected at the municipal election in 1963. Thereafter the boundaries of such districts shall be subject to alteration and change under the provisions of this Charter. For all primary and regular elections held under this charter the boundaries of such districts shall be as more particularly shown and delineated on that certain map showing the boundary lines of said six districts contained in Document No. 424186, on file in the office of the City Clerk of said City, which map was approved by ordinance adopted by the Council October 10, 1950, and became effective November 10, 1950.

In any ordinance adopted by the Council establishing, changing and or altering the boundaries of any councilmanic district the ordinance may describe the new boundaries by reference to a map on file in the office of the City Clerk, and a metes and bounds description of the new boundaries need not be contained in said ordinance.

Section 7. ELECTIVE OFFICERS. (second paragraph)

In addition to the foregoing qualifications, every Councilman must have been at the time of his election, or appointment in the event of a vacancy, an actual resident in the district from which he was nominated for one year immediately preceding his election or appointment. Any Councilman who moves from the district of which he was a resident at the time of his election or appointment forfeits his office, but no Councilman shall forfeit his office as a result of redistricting; provided, however, that the one year's residency requirement established by the provisions of this paragraph shall not apply to the first councilmanic election following the amendment of Section 4 of Article II of this Charter.

Section 12. THE COUNCIL. (first paragraph)

The Council shall be composed of seven (7) nine (9) Councilmen, including the Mayor, and shall be the legislative body of the City, each of the members of which, including the Mayor, shall have the right to vote upon all questions before it. (second paragraph)

Councilmen, including the Mayor, shall be elected at a general municipal election held in the odd numbered years and, except as hereinafter provided, shall hold office for the term of four years from and after the first Monday after the first day of December next succeeding their election and until their successors are elected and qualified. Upon any redistricting pursuant to the provisions of this Charter, incumbent councilmen will continue to represent the district in which they reside, unless as a result of such redistricting more than one incumbent councilman resides within any one district, in which case the City Council shall determine by lot which councilman shall represent each district. At the next municipal primary and general elections following a redistricting, councilmen shall be elected from those districts not represented and from those districts represented by incumbent councilmen whose terms expire as of the general election in said year. If as a result of any redistricting more than a simple majority of the City Council as redistricted shall be elected at the general election next following any such redistricting, the City Council prior to any such election shall designate one or more new districts for which the initial councilmanic term shall be two (2) years in order to retain staggered terms for councilmen.

(fourth paragraph)

— In case a member of the Council is absent from the City for a period of forty (40) days, unless by permission of the Council, his office shall be declared vacant by the Council and the same filled as in the case of other vacancies.

It is the duty of councilmen to attend all Council meetings. The absence of any councilman from eight (8) consecutive meetings or fifty per cent (50%) of any scheduled meetings within a month shall operate to vacate the seat of such councilman, unless the absence thereof is excused by resolution of the Council.

Section 22. INTERFERENCE BY INDIVIDUAL MEMBERS OF COUNCIL WITH ADMINISTRATIVE SERVICE PROHIBITED.

(paragraph b)

(b) Except for the purpose of inquiry, the Council and its members shall deal with that part of the administrative service for which the City Manager is responsible solely through the City Manager or his designated representative and not through his subordinates.

Section 25. VICE-MAYOR. DEPUTY MAYOR. The Council shall annually in the month of December select one of its members who shall be the Vice-Mayor Deputy Mayor. The Vice-Mayor Deputy Mayor shall perform all the duties of the Mayor as prescribed by this Charter or by ordinance when the Mayor is absent or unable to perform his duties.

ARGUMENT FOR PROPOSITION B

The City Council is the hub of policy formation in the City of San Diego under the council-manager form of government. It is important that the Council be as strong as possible in its ability to reflect popular views and act efficiently. Addition of two members to the Council will mean that the Council can obtain a wider variety of views and each member can represent a fewer number of district constituents. While this proposal will add to the size and deliberative faculties of the Council, the number of members added is not sufficient to make it an unwieldy deliberating body.

The Charter Review Committee also felt that Charter provisions were necessary to require a good attendance record at Council meetings on the part of all members, and is proposing that limits be set as to the number of unexcused absences at regular meetings.

At the present time, councilmen may contact city administrators only through the Manager. This could result in an unnecessary delay in conducting City business in the event of absence or unavailability of the Manager and therefore it is proposed that councilmen also deal with the city administration through the Manager's authorized representative.

It is also desired to change the title of the Vice-Mayor to Deputy Mayor to bring San Diego's practice in this respect into line with that of other communities.

Howard L. Chernoff

Chairman

Citizens Charter Review Committee

ARGUMENT AGAINST PROPOSITION B

No argument against this proposition was filed in the Office of the City Clerk.

PROPOSITION C

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

<p>PROPOSITION C. CITY OF SAN DIEGO CHARTER AMENDMENT. Amend Sections 16, 17, 26 and 94 of Charter of The City of San Diego.</p> <p>Amend Section 16 to require copies of ordinances be available to public, to dispense with reading of ordinance by a majority of Council; amend first paragraph Section 17 to require two-thirds of Council to pass emergency measure; amend Section 26 to require two-thirds of Council to amend the administrative code; amend first and second paragraphs Section 94 to require two-thirds of Council to order work by City forces and to expend money in case of disaster without bid.</p>	YES	
	NO	

This proposition amends Section 16, amends the first paragraph of Section 17, amends Section 26, and amends the first and second paragraphs of Section 94 of the Charter of The City of San Diego by deleting certain provisions thereof and by the addition of new provisions. The portions to be deleted are printed in STRIKE-OUT TYPE and the portions to be added are underlined.

Section 16. INTRODUCTION AND PASSAGE OF ORDINANCES AND RESOLUTIONS. Ordinances shall be introduced in the Council only in written or printed form. All ordinances, except annual appropriation ordinances and ordinances codifying or re-arranging existing ordinances, shall be confined to one subject, and the subject or subjects of all ordinances shall be clearly expressed in the title. The annual appropriation ordinance, any ordinance calling or relating to elections, ordinances recommended by the City Manager or other independent department heads transferring or appropriating moneys already appropriated by the annual appropriation ordinance, ordinances establishing or changing the grade of a public highway, and emergency ordinances as defined by Section 17 of this Charter, may be passed by the Council on the day of their introduction. Other ordinances, however, shall be passed only after six (6) calendar days have elapsed between the day of their introduction and the day of their final passage. Each ordinance shall be read in full prior to the final passage of such ordinance, unless such reading shall be dispensed with by a vote of not less than ~~four (4) members of the Council~~ a majority of the members elected to the Council, and not then unless there shall have been available for the consideration of each member of the Council and the public prior to the day of its final passage a written or printed copy of said ordinance. The yeas and nays shall be taken upon the passage of all ordinances and entered upon the journal of the proceedings of the Council. The yeas and nays shall be taken and entered upon the passage of all resolutions receiving a split vote, or upon the request of two or more members of the Council. The enacting clause of ordinances passed by the Council shall be "Be it ordained by the Council of The City of San Diego." The enacting clause of ordinances submitted by the initiative shall be "Be it ordained by the people of The City of San Diego." (first paragraph)

Section 17. WHEN ORDINANCES AND RESOLUTIONS TAKE EFFECT. EMERGENCY MEASURES. Ordinances making the annual tax levy, the annual appropriation ordinances, ordinances calling or relating to elections, and emergency meas-

ures, shall take effect at the time indicated therein. All other ordinances passed by the Council shall take effect at the time indicated therein, but not less than thirty days from the date of their passage. Ordinances adopted by vote of the electors shall take effect at the time indicated therein, or, if no time be specified, then thirty days after their adoption. An emergency measure is an ordinance to provide for the immediate preservation of the public peace, property, health, or safety, in which the emergency claimed is set forth and defined in the preamble thereto. The affirmative vote of at least five members of the Council two-thirds of the members elected to the Council shall be required to pass any ordinance as an emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure. No situation shall be declared an emergency by the Council except as defined in this section, and it is the intention of this Charter that compliance with such definition shall be strictly construed by the courts.

Section 26. ADMINISTRATIVE CODE. The existing Departments, Divisions and Boards and existing Offices of the City Government are hereby continued unless changed by the provisions of this Charter or by ordinance of the Council. The Council shall by ordinance, by majority vote, adopt an administrative code providing for the detailed powers and duties of the administrative offices and departments of the City Government, based upon the provisions of this Charter. Thereafter, except as established by the provisions of this Charter, the Council may change, abolish, combine, and rearrange the departments, divisions and boards of the City Government provided for in said administrative code, but such ordinance creating, combining, abolishing or decreasing the powers of any department, division or board shall require a vote of five (5) ~~of the members of the Council~~ two-thirds of the members elected to the Council. The Council may by ordinance, if authorized so to do by the general law of the State, provide that any function of the City may be performed by the County officer in charge of that respective function for the County or for the establishment of a combined City and County district for the performance of any function.
(first paragraph)

Section 94. CONTRACTS. In the construction, reconstruction or repair of public buildings, streets, utilities and other public works, and in furnishing supplies, materials, equipment or contractual services for the same, when the expenditure therefor shall exceed the sum of \$2,500.00, the same shall be done by written contract, except as otherwise provided in this Charter, and the Council, on the recommendation of the Manager or the head of the Department in charge if not under the Manager's jurisdiction, shall let the same to the lowest responsible and reliable bidder, not less than ten days after advertising for one day in the official newspaper of the City for sealed proposals for the work contemplated. If the cost of said public contract work exceeds the sum of \$1,000.00, but is not in excess of \$2,500.00, the Council may let said contract without advertising for bids, but not until the Purchasing Agent of the City shall have secured competitive prices from contractors interested, which shall be taken under consideration by said Council before said contract is let. The Council may, however, upon the recommendation of the Manager and by a vote of five ~~of its members~~ two-thirds of the members elected to the Council, order the performance of any such construction and reconstruction or repair work by appropriate city forces when the estimates submitted as part of the Manager's recommendation indicate that the work can be done by the city forces more economically than if let by contract.
(second paragraph)

In case of a great public calamity, such as extraordinary fire, flood, storm, epidemic or other disaster the Council may, by resolution passed by a vote of five ~~of its members~~ two-thirds of the members elected to the Council, determine and

declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health or property, and thereupon they may proceed, without advertising for bids or receiving the same, to expend, or enter into a contract involving the expenditure of any sum required in such emergency, on hand in the City treasury and available for such purpose. All contracts before execution shall be approved as to form and legality by the City Attorney.

ARGUMENT FOR PROPOSITION C

This section requires that the City make available written copies of proposed ordinances to the public upon request before the ordinance is considered in council meeting. At present such written copies are usually not available. The public can better understand and present its views having had the opportunity to read the proposed ordinances.

Since published ordinances are to be available, there is no necessity to read proposed ordinances in full before the Council at the time they are being discussed. This will facilitate Council business by shortening the time required for action.

Remaining provisions of this amendment reflect present practice but change the stipulated number of councilmen required to approve different types of proposal. This reflects only the addition of two councilmen to the present seven-member Council.

Howard L. Chernoff
Chairman
Citizens Charter Review Committee

ARGUMENT AGAINST PROPOSITION C

No argument against this proposition was filed in the Office of the City Clerk.

PROPOSITION D

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION D. CITY OF SAN DIEGO CHARTER AMENDMENT. Amend Sections 24, 41, 43 and 211, repeal Section 54 of Charter of The City of San Diego.	YES	
Amend first paragraph Section 24 to require the Mayor to deliver a state of the city message during January of each year; amend first paragraph Section 41 to require semi-annual meeting of the presiding officers of each Charter-created commission; amend Section 43 establishing advisory boards and citizen committees; amend first paragraph Section 211 to require citizen committees to take oath of office; repeal Section 54 relating to the Harbor Department and Harbor Commission.	NO	

This proposition amends the first paragraph of Section 24, amends the first paragraph of Section 41, amends Section 43, amends the first paragraph of Section 211, and repeals Section 54 of the Charter of The City of San Diego by deleting certain provisions thereof and by the addition of new provisions. The portions to be deleted are printed in STRIKE-OUT TYPE and the portions to be added are underlined.

(first paragraph)

Section 24. MAYOR. The Mayor shall preside at the meetings of the Council and perform such other duties as may be prescribed by this Charter or as may be imposed by the Council, consistent with the duties of his office. He shall have no power of veto, but shall have a vote as a member of the Council. He shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, for the signing of all legal instruments and documents, and by the Governor for military purposes. On or before the 15th day of January of each year, he shall communicate by message to the City Council a statement of the conditions and affairs of the City, and make recommendations on such matters as he may deem expedient and proper. In time of public danger or emergency, he may, with the consent of the Council, take command of the police, maintain order and enforce the law.

(first paragraph)

Section 41. COMMISSIONS. The Mayor shall appoint, subject to the confirmation of the Council, members of the Funds Commission and Civil Service Commission, ~~which are hereby created.~~ Not less than once each six months the presiding officers of each of the commissions established by the provisions of this Charter shall have a meeting for the purpose of coordinating mutual problems.

Section 43. ADVISORY COMMISSIONS. ADVISORY BOARDS AND COMMITTEES.

~~The Manager may appoint a Commission of any number of citizens qualified to act in an advisory capacity to the Head of any Department or Division under his supervision or control. The members of any such Commission shall serve without compensation and during the pleasure of the Manager, and it shall be their duty to consult and advise with the Director, or Chief, as the case may be, but not to direct the conduct of the Department or Division.~~

(a) The City Council may by ordinance create and establish advisory boards. Such boards shall be advisory to the Mayor, Council or City Manager as may be designated by ordinance. All members of such boards shall be appointed by the Mayor with Council confirmation, and the terms of office of such members shall in no case exceed the elective term of the appointing Mayor. The members of such boards shall serve without compensation and it shall be their duty to consult and advise with the Mayor, Council or City Manager, as the case may be, but not to direct the conduct of any Department or Division.

(b) The Mayor, City Council or City Manager may create and establish citizens' committees. Such committees shall be created and established only for the purpose of advising on technical questions with clearly defined objectives, and shall be temporary in nature, and shall be dissolved upon the completion of the objectives for which they were created. Committee members shall serve without compensation.

(first paragraph)

Section 211. OATH OF OFFICE. Every officer or member of a Committee, Board or of a Commission of the City shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation to be filed and kept in the office of the City Clerk:

Section 54. HARBOR DEPARTMENT.

~~(a) The Mayor, with the approval of the Council, shall appoint five electors of the City as members of the Harbor Commission, one to serve for one year, one for two years, one for three years, one for four years, and one for five years. Thereafter, members of the Harbor Commission shall be appointed to serve for five years~~

and until their successors have been appointed and qualified. The members of the Harbor Commission in office at the time this amendment becomes effective shall remain in office until their successors are appointed and qualified. The Council may at any time by a vote of at least five (5) of their members remove from office any or all of said Harbor Commissioners. The members of the Harbor Commission shall serve without pay.

(b) The Harbor Commission is vested with jurisdiction and authority to exercise in the name of the City of San Diego such powers as are prescribed by general laws now in force and hereafter enacted, together with such additional powers and duties as may be prescribed by ordinance, this Charter, or the laws of the United States. The Commission shall have jurisdiction, supervision, management and control of the Bay of San Diego fronting upon The City of San Diego and within the jurisdiction of said City, including all tide and submerged lands, whether filled or unfilled, situated below the line of mean high tide within said bay, except, however, such tide and submerged lands within said bay which have heretofore or which hereafter may be transferred to the exclusive control of the United States; and excepting further such other tidelands as may by vote of the people or act of the State Legislature be transferred to a purpose and use inconsistent with commerce, navigation and fisheries.

(c) The Harbor Commission shall have power to adopt, with the approval of the Council by ordinance, such rules and regulations as may be necessary to exercise and carry out the powers and duties prescribed by this Charter for said Harbor Commission.

(d) The Harbor Commission, subject to the Civil Service provisions of this Charter, shall appoint a Port Director, together with such other officers, employees and subordinates as may be necessary in the judgment of said Harbor Commission to carry out the duties prescribed by this Charter for said Harbor Commission and for the promotion of commerce, navigation and fisheries. All such offices and employments shall be created by ordinance upon the direct recommendation of the Harbor Commission. The Harbor Commission shall also have authority and power to employ legal counsel whenever in the judgment of said Commission such employment is necessary.

(e) The Port Director shall be the chief administrative officer of the Harbor Commission, and he shall exercise such powers and perform such duties as may be prescribed by the Harbor Commission. In addition to any duties imposed by the Harbor Commission and this Charter the Port Director shall also perform such duties as may be imposed upon harbor masters, port directors and administrative heads of harbors and ports by State or Federal law.

(f) All revenues derived from the tidelands and the operation of San Diego Harbor shall be used exclusively for the purpose of improving the harbor and tidelands fronting thereon, including the payment of principal and interest of any general obligation bonds or revenue bonds issued by the City for the improvement of the harbor or of tidelands fronting thereon, and the maintenance and operation of the Harbor Department. Each year there shall be appropriated from funds derived from said revenues the amount or amounts required by any ordinance or resolution authorizing or providing for the issuance of revenue bonds for the improvement of the harbor or of tidelands fronting thereon and such amount or amounts, if any, as the Council shall direct for the payment of principal of and interest on general obligation bonds of the City issued after June 15, 1960, for the improvement of the harbor or of tidelands fronting thereon. If, at the time of submission of its annual budget estimate, as provided in Section 69 of this Charter, the Harbor Commission determines there are or will be revenues available for the payment of any principal or interest coming due the next fiscal year on general obligation bonds of the City issued prior to June 15, 1960, for harbor purposes, said revenues may be appropriated and used for such payment.

(g) The Harbor Commission shall have authority to lease tidelands for such terms and upon such conditions as may be authorized by law; provided, however, that no lease of any tidelands within the jurisdiction of the City for a term longer than one year shall be valid unless said lease shall have been confirmed by the Council.

(h) Any municipal air ports now established or which may hereafter be established on the tidelands shall be under the control and supervision of the Harbor Commission until such time as the Council by ordinance shall create a Department of Aviation, at which time the Council may provide in such ordinance for the control, regulation and supervision of municipal airports by the Department of Aviation.

(i) And all matters concerning the development of the Harbor of San Diego in which the Planning Commission of The City of San Diego shall have an interest, and which relate to the planning and zoning of The City of San Diego, shall be referred by the Harbor Commission to the Planning Commission for recommendation before final action is taken thereon. In the event of a disagreement between the Harbor Commission and the Planning Commission concerning such proposed development, the matter shall be referred to the Council, whose decision on such development shall be final.

ARGUMENT FOR PROPOSITION D

This amendment strengthens the position of mayor within the framework of the council-manager form of government. First, the mayor is given the responsibility of delivering a "State of the City" message at the beginning of every year outlining his program and policies for that year. Second, the Council is authorized to create by ordinance advisory boards whose members are appointed by the mayor and confirmed by the Council. Both suggestions would strengthen the position of the mayor as the chief policy-making leader of the City, and the second suggestion would also provide for increased citizen participation in the government.

Another proposal to obtain increased citizen participation in the City government is the suggested amendment to create temporary citizens' committees by the Mayor, the City Council, or the Manager.

Provision for the Harbor Department is being deleted from the charter because Harbor function has been taken over by the Unified Port District; the Department no longer exists.

Howard L. Chernoff
Chairman
Citizens Charter Review Committee
AND
Mrs. Robert G. Eason
President
League of Women Voters, San Diego

ARGUMENT AGAINST PROPOSITION D

No argument against this proposition was filed in the Office of the City Clerk.

PROPOSITION E

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION E. CITY OF SAN DIEGO CHARTER AMENDMENT. Amend Section 42 of Charter of The City of San Diego. Amend Section 42 authorizing the appointment of the members of the City Planning Commission by the Mayor, subject to the confirmation of the Council.	YES	
	NO	

This proposition amends Section 42 of the Charter of The City of San Diego by deleting certain provisions thereof and by the addition of new provisions. The portions to be deleted are printed in STRIKE-OUT TYPE and the portions to be added are underlined.

Section 42. CITY PLANNING COMMISSION. The City Planning Commission shall be organized as provided by the laws of the State and have such powers and perform such duties as are prescribed by such laws. The Their duties of the Commission shall also include advising upon public buildings, bridges, retaining walls, approaches, park and harbor structures, the improvement of Pueblo lands and such other improvements as the Council may by ordinance determine. The Manager shall appoint four members, and the Council shall elect three members. The Commission shall consist of seven (7) members appointed by the Mayor, subject to the confirmation of the Council. The City Engineer, and the City Attorney, or their designated representatives, shall be members ex-officio, but neither of said officers shall have a vote. The members of this Commission shall serve without compensation for terms of two years or until their successors are elected and appointed and qualified. ~~provided, however, that the members of this Commission heretofore appointed and who were members thereof on the date of the approval of this amendment, shall hold office until their current terms expire.~~

ARGUMENT FOR PROPOSITION E

The present planning commission consists of seven appointed members, four selected by the Manager and three selected by the Mayor. It is desirable from the standpoint of public control and citizen participation in planning that the Mayor appoint all seven members with Council confirmation. This will prevent the possibility of control of the Commission by the Manager and will make the Commission more attuned to public desires and sentiments.

Howard L. Chernoff
Chairman
Citizens Charter Review Committee

ARGUMENT AGAINST PROPOSITION E

In the interest of the people of the City of San Diego, on Proposition "E", which would allow future Mayors of the City of San Diego to appoint all members of the Planning Commission, I suggest a "No" vote.

At some future time in the life of our city it could be possible that a Mayor with strong backing of several Councilmen could "pack" this most important commission which controls planning and zoning with members of his choice and in that way control planning for all sections of the city.

If Proposition "E" is adopted the future growth and economic development of our community would be jeopardized by this control being vested in the Mayor.

I request that you not accept Proposition "E" without due consideration and, in my opinion, a "No" vote will protect the people.

Allen Hitch, Councilman

PROPOSITION F

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION F. CITY OF SAN DIEGO CHARTER AMENDMENT. Amend Section 28 of Charter of The City of San Diego. Amend Section 28 by adding new paragraph following first paragraph to transfer to the City Manager control of the Planning Department.	YES	
	NO	

This proposition amends Section 28 of the Charter of The City of San Diego by adding thereto a new paragraph following the first paragraph. The portions to be added are underlined.

Section 28. DUTIES OF THE MANAGER.
(new paragraph)

The Planning Department shall be an administrative department under the control of the City Manager.

ARGUMENT FOR PROPOSITION F

Currently the Department of Planning is supervised by the part-time Planning Commission. A part-time, unpaid citizen board is not a proper vehicle for the continuing supervision of the large, full-time staff of an important department. More responsible public control and better coordination with other city departments can be obtained through placing the department directly under the Manager. Planning is more and more a major tool of general administration, and efficient private business as well as government normally put this function under its chief administrative officer. It is the position of the undersigned that San Diego should do so also.

Howard L. Chernoff
Chairman
Citizens Charter Review Committee
AND
Mrs. Robert G. Eason
President
League of Women Voters, San Diego

ARGUMENT AGAINST PROPOSITION F

The Planning Department should not be changed into an administrative department under the control of the City Manager for these reasons:

1. Planning of a city is a unique long-range, policy-oriented function, requiring a continuity of thought and effort closely affecting legislative decisions, and is not a normal administrative function. It must consider basic plans of the city for future development far beyond the expected terms of management personnel and thinking. As such it must not be subject to management expediciencies, or strong minority pressures. Also, high-grade planning personnel would be difficult to attract and hold under such conditions.

2. Administrative corrections, if required, should be accomplished by other means, not by fundamental changes to the structure. Appointment of a strong, decisive Commission from fields oriented to long-range planning, together with internal administrative adjustments, would make the present sound organization even more effective. The very sincere group sponsoring Proposition F, being business oriented, has lost sight of the fundamental character and purpose of a Planning Department in its search for business-like efficiency.

3. The Planning Commission would be seriously weakened by losing control of its primary area of authority—the Planning Department. The primary function of the Planning Department is to give professional advice to the lay Commission and Council on planning policy, and then to carry out the policies. The administrative and policing function over zoning by the Department is secondary to the planning function, despite its prominence in the public eye.

4. The existing planning structure has basically worked well. This is evidenced by efforts to change it by special interest groups whose attempts to profit, at the expense of the community as a whole, have been effectively resisted.

Proposition F would seriously weaken the planning function in our San Diego

government and should be rejected.

Board of Directors
San Diego Chapter
American Institute of Architects
By Robert Platt, Vice President

PROPOSITION G

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION G. CITY OF SAN DIEGO CHARTER AMENDMENT. Amend Sections 27, 28 and 29 of Charter of The City of San Diego. Amend Section 27, first, third and sixth paragraphs Section 28 and Section 29 to modernize the language relative to the appointment of the City Manager and to authorize the removal of the City Manager by a majority vote of the Council, to eliminate references to the City Manager as an executive, and to require an annual fiscal report by the Manager during January of each year.	YES	
	NO	

This proposition amends Section 27, amends the first, third and sixth paragraphs of Section 28, and amends Section 29 of the Charter of The City of San Diego by deleting certain provisions thereof and by the addition of new provisions. The portions to be deleted are printed in STRIKE-OUT TYPE and the portions to be added are underlined.

Section 27. ~~THE CITY MANAGER.~~ The Council shall elect a Manager within ~~sixty (60) days from the first meeting in May,~~ under this Charter, who shall be the chief executive and administrative officer of the City. The Manager shall be chosen by the Council solely on the basis of his proven executive and administrative qualifications. The Manager need not, when elected, be a resident of the City or State, but must be a citizen of the United States. He shall, upon his election, immediately become a resident of the City. No member of the Council shall, during the time for which he was elected, or for one (1) year thereafter, be eligible to hold the position of Manager. The Manager shall be elected for an indefinite term, but may be removed at the pleasure of the Council; provided, however, that the Manager shall not be removed unless ~~five (5)~~ a majority of the members of the Council shall vote in favor of such removal. Before the Manager may be removed he shall, if he shall so demand, be given a written statement of the reasons alleged for his removal and the right to be heard publicly thereon at a meeting of the Council prior to the final vote on the question of his removal, but pending and during such hearing the Council may suspend him from office. At least two weeks shall be given the Manager between notice and hearing for the preparation of his answer to the reasons for removal. The action of the Council in suspending or removing the Manager shall be final and conclusive on everyone, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the Council. He shall receive a salary to be fixed in the annual appropriation ordinance. The salary set in the appropriation ordinance shall not be reduced while the Manager holds office, but may be subject to increase by the Council at its discretion. The Manager shall designate one of his subordinates as Assistant Manager, who shall serve as Manager in case of the absence or disability of the Manager.

In the event of a vacancy in the office of City Manager, the Council shall fill the same within sixty (60) days after the vacancy occurs; provided, however, that it

shall require the affirmative vote of five (5) a majority of the members of the Council to elect a person to the office of Manager.
(first paragraph)

Section 28. DUTIES OF THE MANAGER. It shall be the duty of the Manager to supervise the administration of the affairs of the City except as otherwise specifically provided in this Charter; to make such recommendation to the Council concerning the affairs of the City as may seem to him desirable; to keep the Council advised of the financial condition and future needs of the City; to prepare and submit to the Council the annual budget estimate and such reports as may be required by that body, including an annual report of all the Departments of the City; to see that the ordinances of the City and the laws of the State are enforced; and to perform such other duties as may be prescribed by this Charter or required of him by ordinance or resolution of the Council. Except as otherwise provided in this Charter, all other executive and administrative powers conferred by the laws of the State upon any municipal official shall be exercised by the Manager or persons designated by him. He shall assume the position of Director of any Department under his control for which a Director has not been appointed. The Commissions, Directors, or heads of the administrative Departments under the Manager shall be immediately responsible to him for the efficient administration of their respective Departments. The Manager may set aside any action taken by a Director or Department subordinate responsible to him, and may supersede him in authority in the functions of his office or employment. Where no provision has been made by ordinance authorizing a subordinate official to act as departmental head in case of a vacancy, the Manager may designate an interim acting head or perform personally the functions of the office. The Manager, as Chief Budget Officer of the City, shall be responsible for planning the activities of the City government and for adjusting such activities to the finances available. To this end he shall prepare annually a complete financial plan for the ensuing year and shall be responsible for the administration of such a plan when adopted by the Council. He shall be charged with the bringing together of estimates covering the financial needs of the City, with the checking of these estimates against the information relative to past expenditures and income, with the preparation of the budget document and supporting schedules and with the presentation of the budget to the Council. He shall have the power, with the approval of the Council, to employ experts, or consultants to perform work or give advice connected with the Departments of the City when such work or advice is necessary in connection therewith. The Council shall provide sufficient funds in the annual appropriation ordinance or by supplemental appropriation ordinances for such purposes and shall charge such additional services against the appropriation of the respective Departments.
(third paragraph)

The Manager may prescribe such general rules and regulations as he may deem necessary or expedient for the general conduct of the administrative Departments. The Commission or Director of each Department shall in like manner prescribe such rules and regulations as may be deemed necessary and expedient for the proper conduct of each Department, not inconsistent with the general rules and regulations prescribed by the Manager.
(sixth paragraph)

During January of each year The the Manager shall prepare and present to the Council an annual report of the City's affairs for the previous fiscal year.

Section 29. RESPONSIBILITY OF MANAGER - POWERS OF APPOINTMENT AND REMOVAL. The Manager shall be responsible to the Council for the proper administration of all affairs of the City placed in his charge, and to that end, subject to the Civil Service provisions of this Charter and except as otherwise provided herein, he shall have the power to appoint and remove all officers and employees in the administrative service of the City under his control; but the Manager

may authorize the head of a Department or officer responsible to him to appoint and remove subordinates in such Department or office. Appointments made by, or under the authority of, the Manager, shall be on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform. All such appointments shall be without definite term unless for temporary service not to exceed sixty days. No person directly related to the City Manager by blood or marriage shall be eligible for employment unless such relative was in the employ of the City at the time of the appointment of the City Manager.

ARGUMENT FOR PROPOSITION G

The Manager's function under the council-manager form of government is actually that of a chief administrative officer responsible for all of the administrative departments of the municipal government. He is not a chief executive in the same sense as a governor or the president of the United States is. This proposal recognizes his true position and changes his title where it appears in the charter from Chief Executive Officer to Chief Administrative Officer.

The Manager's effectiveness depends upon being able to work in harmony with all members of the City Council and it is believed that it is not necessary to require an extraordinary majority vote of the Council to employ or remove the Manager as the charter now does. In the interest of this harmony and of strict public control it is better that he be employed and removed by a simple majority vote.

Howard L. Chernoff
Chairman
Citizens Charter Review Committee

ARGUMENT AGAINST PROPOSITION G

No argument against this proposition was filed in the Office of the City Clerk.

PROPOSITION H

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

<p>PROPOSITION H. CITY OF SAN DIEGO CHARTER AMENDMENT. Amend Section 38 of Charter of The City of San Diego.</p>	<p>YES</p>	
<p>Amend Section 38 establishing the City Clerk as the official custodian of the City records and eliminating obsolete and excessive language.</p>	<p>NO</p>	

This proposition amends Section 38 of the Charter of The City of San Diego by deleting certain provisions thereof and by the addition of new provisions. The portions to be deleted are printed in STRIKE-OUT TYPE and the portions to be added are underlined.

Section 38. CITY CLERK. The City Clerk shall be elected by the Council for an indefinite term and shall serve until his successor has been elected and qualified. His ~~duties shall be to keep the corporate seal, books, papers, records and other documents belonging to the City, including the custody of the official bonds of City officers, and employees, except his own, which shall be in the custody of the Treasurer, and all deeds, title papers, mortgages, contracts, judgments, notes, insurance policies and debts, and any and all other records, the custody of which is not provided for in this Charter, to attend all meetings of the Council and keep a journal of its proceedings, all its ordinances and resolutions and perform such other duties relating to his office as the Council and this Charter shall direct. He~~

shall maintain all official records of the City, the custody of which is not provided for in this Charter or by ordinances of the City, including the journal of all proceedings of the Council and all its ordinances and resolutions. He shall have power to take affidavits, and administer oaths in all matters relating to the business of the City, and shall make no charge therefor. He shall have power to appoint, pursuant to the Civil Service provisions of this Charter, such deputies as are provided by law, who shall, under his direction, have the same powers and perform the same duties as the City Clerk.

ARGUMENT FOR PROPOSITION H

Provisions for selection and description of duties of the City Clerk are modernized and made more clear. No substantive change is involved.

Howard L. Chernoff
Chairman
Citizens Charter Review Committee

ARGUMENT AGAINST PROPOSITION H

No argument against this proposition was filed in the Office of the City Clerk.

PROPOSITION I

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION I. CITY OF SAN DIEGO CHARTER AMENDMENT. Amend Sections 45, 82 and 83 of Charter of The City of San Diego.	YES	
Amend third paragraph Section 45, Sections 82 and 83 to authorize the City Treasurer to utilize check-warrants under the provision of the Government Code.	NO	

This proposition amends the third paragraph of Section 45, and amends Sections 82 and 83 of the Charter of The City of San Diego by deleting certain provisions thereof and by the addition of new provisions. The portions to be deleted are printed in STRIKE-OUT TYPE and the portions to be added are underlined.
(third paragraph)

Section 45. CITY TREASURER.

The Treasurer shall receive, have the custody of, and disburse City moneys upon the warrant or check-warrant of the Auditor and Comptroller under the provisions of Section 53911 of the Government Code of the State of California. He shall keep such books and records as are necessary for the recording of all receipts and expenditures, together with a record of money in City depositories. Every Department officer, or institution which receives money directly from the public, shall deposit the same daily with the Treasurer, unless otherwise authorized by ordinance. The Treasurer shall demand and receive from the County Tax Collector moneys collected by him for use of the City. And it shall be the duty of such County official to deposit such money monthly with the City Treasurer.

Section 82. EXAMINATION AND INVESTIGATION OF CLAIMS BY THE AUDITOR AND COMPTROLLER. The Auditor and Comptroller shall examine all payrolls, bills, and other claims and demands, except claims for damages against the City, and shall issue no warrant or check-warrant for payment unless he finds that the claim is in proper form, correctly computed, and duly approved; that it is legally due and payable; that an appropriation has been made therefor which has not been

exhausted; and that there is money in the treasury to make payment. He may investigate a claim and for that purpose may summon before him any officer, agent or employee of the City, any claimant or other person, and examine him upon oath or affirmation relative thereto, and if he finds a claim to be fraudulent, erroneous or otherwise invalid, he shall not issue a warrant or check-warrant therefor. If the Auditor and Comptroller issue a warrant or check-warrant on the treasury authorizing payment of any claim in contravention of the provisions of this Section, he and his sureties shall be jointly and severally liable to the City for the amount of such warrant or check-warrant if paid. All payrolls, bills and other claims and demands under the provisions of this section may be paid by warrants or check-warrants as authorized by the provisions of Section 53911 of the Government Code of the State of California.

Section 83. PAYMENT OF CLAIMS AGAINST THE CITY. No claim against the City shall be paid except by means of a check-warrant authorized under the provisions of Section 53911 of the Government Code or a warrant on the treasury issued by the Auditor and Comptroller. The Auditor and Comptroller shall issue no warrant or check-warrant for the payment of a claim unless the claim be evidenced by voucher approved by the head of the Department or office for which the indebtedness was incurred, and each such officer and his surety shall be liable to the City for all loss or damage sustained by reason of his negligence or corrupt approval of any claim. No demand shall be allowed, approved, audited, or paid unless it shall specify each item of the claim and the date thereof; provided, however, that warrants or check-warrants for salaries of officers and employees shall be allowed by the Auditor and Comptroller and paid regularly from the treasury without the necessity of any demand therefor or approval thereof as in this section prescribed for other claims.

ARGUMENT FOR PROPOSITION I

The exclusive use of the warrant is an outmoded form of financial transaction in business organizations. This proposal updates the procedures of the City to provide for the use of check-warrants by the Treasurer under provisions of state law. It is expected that certain financial savings will accrue to the City should the new procedure be adopted.

Howard L. Chernoff
Chairman
Citizens Charter Review Committee

ARGUMENT AGAINST PROPOSITION I

No argument against this proposition was filed in the Office of the City Clerk.

PROPOSITION J

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

<p>PROPOSITION J. CITY OF SAN DIEGO CHARTER AMENDMENT. Amend Sections 35, 94, 98 and 102 of Charter of The City of San Diego.</p>	<p>YES</p>	
<p>Amend Section 35 deleting reference to Purchasing Agent, making the City Manager responsible for all City purchasing, permitting simple purchases up to \$2,500.00 by negotiation and purchases up to \$5,000.00 by informal bidding; amend first paragraph Section 94 making the City Manager responsible for all public works contracts, permitting negotiation of contracts to \$2,500.00 and permitting informal bidding to a maximum of \$5,000.00, permitting the use of City forces without Council authorization when contract does not exceed \$5,000.00 incidental to capital improvement projects; amend Section 98 to permit amendments in contracts not exceeding \$1,000.00 by City Manager without Council authorization; amend Section 102 to continue in effect all contracts after any amendments to the Charter.</p>		<p>NO</p>

This proposition amends Section 35, amends the first paragraph of Section 94, amends Section 98, and amends Section 102 of the Charter of The City of San Diego by deleting certain provisions thereof and by the addition of new provisions. The portions to be deleted are printed in STRIKE-OUT TYPE and the portions to be added are underlined.

Section 35. PURCHASING-AGENT. PURCHASING. The Purchasing Agent City Manager shall make all purchases of supplies, materials, equipment, and insurance required by the various Departments or offices of the City, except as may be otherwise provided by the Council or this Charter. He shall prepare in consultation with the administrative officers of the City standard specifications for all supplies, materials, equipment, and insurance necessary for use by the various Departments or offices of the City.

In purchasing any supplies, materials, equipment and insurance required by the various Departments or offices of the City, if the cost of said supplies, materials, equipment and insurance exceeds in amount the sum of \$5,000.00, no such purchase shall be made without advertising for sealed proposals therefor. Notices calling for such sealed proposals shall be published for one day in the official newspaper of the City, and a contract let for such purpose only after the expiration of ten days following said advertising. If the cost of the said supplies, materials, equipment and insurance required by said City exceeds the sum of ~~\$1,000.00~~ \$2,500.00, but is not in excess of \$5,000.00, the said purchase may be made by said Purchasing Agent without advertising for sealed proposals, but not until said Purchasing Agent has secured competitive prices from merchants or other persons interested in making the sale to said City and not until the Purchasing Agent has been authorized by the Council to make such purchase. competitive prices have been secured from merchants or other persons interested in making the sale to said City and not until the purchase has been authorized by the Council. Purchases of supplies, materials, equipment and insurance required by the various Departments or offices of the City which do not exceed the sum of ~~\$1,000.00~~ \$2,500.00

in cost may be made by the Purchasing Agent directly upon the request of the department interested. The Council shall by ordinance provide for the sale, exchange or other disposal of any surplus, used, obsolete or depreciated personal property belonging to the City.

~~The Council shall by ordinance provide for the sale, exchange or other disposal by the Purchasing Agent of any surplus, used, obsolete or depreciated personal property belonging to the City.~~

The Council by resolution may order the purchase without advertising for bids of surplus commodities from the United States of America, or any agency thereof, or from any other public corporation, state or municipal, or any agency thereof. The Council may also authorize said Purchasing Agent to sell the sale to any other public corporation, state or municipal, any supplies, material and equipment which said City may have been able to purchase in quantity at a reduced price.

~~Supplies shall be furnished upon requisition either from the stores under the control of the Purchasing Agent City stores or by purchase, and whenever so purchased shall be paid for by the Department or office furnished therewith. It shall be the duty of the Purchasing Agent City Manager to inspect or cause to be inspected all purchases, and reject any of those which are not up to the standard specifications provided therefor, and he shall not approve any bid or voucher for articles which are not in conformity with specifications, or which are at variance with any contract. The Purchasing Agent shall not furnish supplies Supplies shall not be furnished to any Department or office unless there be to the credit thereof an available unencumbered balance sufficient to pay for such supplies.~~

Materials, supplies or equipment not needed by a Department or office, but necessary to another Department or office, may be ~~transferred~~ transferred by the Purchasing Agent and a proper record made of the transaction. ~~He shall have charge of such storerooms and warehouses of the City as the Manager may provide or the Council by ordinance may authorize. The City Manager or such other person as the Council may authorize by ordinance shall have charge of such storerooms and warehouses of the City.~~ The Council may, upon recommendation of the Manager, authorize the Purchasing Agent to purchase of materials, supplies, or equipment in common use by the Departments and offices in large quantities and store the same until requisitioned by the Departments or offices for use. The Council shall provide a sufficient revolving fund in the annual appropriation ordinance of an adequate amount for the purpose of creating a store's account and stock for future supply of the Departments and offices when needed.

The Purchasing Agent City Manager shall keep a record of all sources of supply, of all quotations received, of all awards made, of all inspections, of all requisitions filed, and of all vendors furnishing commodities to the City. He shall perform such other duties as may be prescribed by general law or ordinance ~~or by the Manager.~~ (first paragraph)

Section 94. CONTRACTS. In the construction, reconstruction or repair of public buildings, streets, utilities and other public works, and in furnishing supplies, materials, equipment or contractual services for the same, when the expenditure therefor shall exceed the sum of ~~\$2,500.00~~ \$5,000.00, the same shall be done by written contract, except as otherwise provided in this Charter, and the Council, on the recommendation of the Manager or the head of the Department in charge if not under the Manager's jurisdiction, shall let the same to the lowest responsible and reliable bidder, not less than ten days after advertising for one day in the official newspaper of the City for sealed proposals for the work contemplated. If the cost of said public contract work exceeds the sum of ~~\$1,000.00~~ \$2,500.00, but is not in excess of ~~\$2,500.00~~ \$5,000.00, the Council may let said contract without advertis-

ing for bids, but not until the Purchasing Agent City Manager of the City shall have secured competitive prices from contractors interested, which shall be taken under consideration by said Council before said contract is let. The Council may, however, upon the recommendation of the Manager and by a vote of five of its members, order the performance of any such construction and reconstruction or repair work by appropriate city forces when the estimates submitted as part of the Manager's recommendation indicate that the work can be done by the city forces more economically than if let by contract. When work performed is in connection with and incidental to capital improvement projects, the City Manager may order the performance of any construction, reconstruction or repair work not exceeding the sum of \$5,000.00 by appropriate City forces when the City Manager estimates that the work can be done by the City forces more economically than if let by contract.

Section 98. ALTERATION IN CONTRACTS. Whenever it becomes necessary in the opinion of the Manager to make alterations in any contract entered into by the City, such alterations shall be made only when authorized by the Council upon written recommendation of the Manager. No such alterations shall be valid unless the new price to be paid for any supplies, material, or work under the altered contract shall have been agreed upon in writing and signed by the contractor and the Manager prior to such authorization by the Council. When the alteration in any contract is less than \$1,000.00 as estimated by the City Manager, the City Manager may, without authorization of the City Council, execute an amendment to the contract.

Section 102. CONTINUANCE OF CONTRACTS. All contracts entered into by the City, or for its benefit, prior to the taking effect of the Charter or any amendments thereto, shall continue in full force and effect. All public work begun prior to the taking effect of the Charter or any amendments thereto shall be continued thereunder. Public improvements for which legislative steps shall have been taken under laws or Charter provisions existing at the time this Charter or any amendments thereto take ~~take~~ effect may be carried to completion in accordance with the provisions of such existing laws and Charter provisions.

ARGUMENT FOR PROPOSITION J

The Charter Review Committee has recommended against including details of administrative organization and procedure in the charter, taking the U.S. Constitution as a guide. Such details should be left to the legislative body. This will provide a much more flexible, efficient, and economical system of government. One step in this direction is the removal of a description of the office of purchasing agent from the charter. There is no intention of eliminating the office from the city government and it will continue to function as an administrative department under the control of the Manager, as it has in the past. In order to centralize authority for purchasing, the function is by charter delegated to the manager. Present responsibility for purchasing in fact rests with the manager.

Current charter limitations on purchasing supplies and contracting for public works (e.g., financial ceilings on purchasing and contracting without competitive pricing and by negotiation without formal bids) were established a decade ago. These limits are not realistic in terms of present conditions due to inflation and other causes. A modest raise is therefore suggested in each of these financial limits in order to provide for greater flexibility and to make fairly substantial savings in purchasing and contracting operations.

In order to provide for more flexibility and more economy in the use of City funds, the Charter Review Committee also recommends that the Manager be authorized, without the present lengthy procedure for referral to the Council,

to make alterations in contracts where the cost of the alteration involved does not exceed \$1,000, and to authorize work to be done by City forces on capital improvements where the cost is under \$5,000.

Howard L. Chernoff
Chairman
Citizens Charter Review Committee

ARGUMENT AGAINST PROPOSITION J

No argument against this proposition was filed in the Office of the City Clerk.

PROPOSITION K

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION K. CITY OF SAN DIEGO CHARTER AMENDMENT. Amend Section 31 of Charter of The City of San Diego. Amend Section 31 to clarify the participation of City officers and employees in political activities and prohibiting participation in municipal campaigns except municipal bond issues.	YES	
	NO	

This proposition amends Section 31 of the Charter of The City of San Diego by deleting certain provisions thereof and by the addition of new provisions. The portions to be deleted are printed in STRIKE-OUT TYPE and the portions to be added are underlined.

Section 31. ~~CITY EMPLOYEES OUT OF POLITICS. POLITICAL ACTIVITIES.~~ Neither the City Manager nor any person in the employ of the City, other than elective officers, shall take any active part in any municipal campaign, or in securing or in contributing or soliciting the contribution of money toward the nomination or election of any candidate for municipal office. Any person found guilty of violation of this Section of the Charter shall immediately forfeit his office or employment. The personnel director is charged with the enforcement of this provision and the decision of the Civil Service Commission or Council in any case arising thereunder shall be final and conclusive.

(a) No officer or employee of the City, except elected officers and unsalaried members of commissions, shall take an active part opposing or supporting any candidates in any City of San Diego political campaign or make contributions thereto in behalf of any candidates, nor shall such person seek signatures to any petition seeking to advance the candidacy of any person for any municipal office. Nothing in this section shall be construed to prevent any officer or employee, whether Classified or Unclassified, from seeking election or appointment to public office or from being active in State and Federal political campaigns, in any bond issue campaign including municipal bond issues, or from being active in local political campaigns, except in the City of San Diego.

(b) Every municipal employee shall prohibit the entry into any place under his control occupied for any purpose of the municipal government, of any person for the purpose of therein making, collecting, receiving, or giving notice of any political assessment, subscription, or contribution.

ARGUMENT FOR PROPOSITION K

Unnecessary charter restrictions on employee political activity should be removed so that public employees, like other citizens, can participate in as many of

the processes of our democratic society as possible. The proposal permits employees to participate in all political campaigns except those of the City of San Diego, wherein they might be faced with a conflict of interest or there might be a possibility of undue influence upon them. They may, however, participate in municipal bond elections which are not considered to be political in nature.

Democracy requires that every citizen, wherever employed, participate as fully as possible in his local, state, and national governments.

Howard L. Chernoff
 Chairman
 Citizens Charter Review Committee
 AND
 Mrs. Robert G. Eason
 President
 League of Women Voters, San Diego

ARGUMENT AGAINST PROPOSITION K

No argument against this proposition was filed in the Office of the City Clerk.

PROPOSITION L

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION L. CITY OF SAN DIEGO CHARTER AMENDMENT. Amend Section 110 of Charter of The City of San Diego. Amend first, second and fifth paragraphs Section 110 to change the claim filing time from 90 days to 100 days.	YES	
	NO	

This proposition amends the first, second and fifth paragraphs of Section 110 of the Charter of The City of San Diego by deleting certain provisions thereof and by the addition of new provisions. The portions to be deleted are printed in STRIKE-OUT TYPE and the portions to be added are underlined.

(first paragraph)

Section 110. CLAIMS AGAINST THE CITY. Whenever it is claimed that The City of San Diego is liable to any person because of injuries suffered by such person, either to person or property, because of negligence of the City or its officers, a verified claim for damages shall be presented in writing and filed with the Clerk of The City of San Diego within ~~ninety (90)~~ one hundred (100) days after the occurrence giving rise to the claim for damages.

(second paragraph)

Whenever it is claimed that The City of San Diego is obligated to pay money to any person because of contract or by virtue of operation of law, a demand or claim for such money shall be presented in writing and filed with the Auditor and Comptroller of The City of San Diego within ~~ninety (90)~~ one hundred (100) days after the last item of the account or claim has accrued.

(fifth paragraph)

The time limit of ~~ninety (90)~~ one hundred (100) days shall not begin to run against a claimant whose claim or demand for money due is because of operation of law until such claimant shall have actual notice of the existence of such claim.

ARGUMENT FOR PROPOSITION L

So far as the Charter Review Committee knows, there is no opposition to this proposal.

Howard L. Chernoff
 Chairman
 Citizens Charter Review Committee

ARGUMENT AGAINST PROPOSITION L

No argument against this proposition was filed in the Office of the City Clerk.

PROPOSITION M

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION M. CITY OF SAN DIEGO CHARTER AMENDMENT. Amend Section 57 of Charter of The City of San Diego. Amend Section 57 to place policemen under Civil Service provisions and eliminate a police merit system, to eliminate any reference to a Police Surgeon.	YES	
	NO	

This proposition amends Section 57 of the Charter of The City of San Diego by deleting certain provisions thereof and by the addition of new provisions. The portions to be deleted are printed in STRIKE-OUT TYPE and the portions to be added are underlined.

Section 57. POLICE DEPARTMENT. The Police Department shall consist of a Chief of Police and such other officers, members and employees as the Council may from time to time prescribe by ordinance. ~~All members of the Police Department at the time this Charter takes effect shall be retained and shall only be removed for cause, as provided in Section 129 of Article VIII of this Charter, or as otherwise provided herein.~~

The Chief of Police shall be appointed by the City Manager and the appointment shall be confirmed by a majority of the Council, provided, however, that the Chief of Police may be removed by the City Manager at any time in the manner provided for in Section 30 of Article V of this Charter.

The Chief of Police, with the approval of the City Manager, shall appoint, direct and supervise the personnel, subject to Civil Service regulations, have charge of the property and equipment of the department and exercise all powers and duties provided by general laws or by ordinance of the Council. The Chief of Police shall have all power and authority necessary for the operation and control of the Police Department.

~~The Chief of Police, with the approval of the City Manager, may establish a training school and Merit System for training and disciplining members of the department. The rules and regulations of such system and all changes must be approved by the Council. After the establishment of the merit system all appointments to the Police Department shall be made in accordance with the Civil Service provisions of this Charter. But, after appointment members of the Police Department shall not be subject to Civil Service provisions of this Charter and promotions, demotions, suspensions and dismissals from the Police Department shall be made in accordance with fixed rules and regulations of a Merit System established by the Chief of Police, and approved by ordinance of the Council; provided, however, that any member who has been dismissed, demoted or suspended, other than the Chief of Police, may, within five days from the effective date of the order of such dismissal, demotion or suspension, appeal to the Civil Service Commission of the City, who, after proper notice, shall conduct a public hearing at which the Commission shall have power to determine the justice of such order of dismissal, demotion or suspension, and may affirm, modify or refuse such order. The action of said Commission on such hearing shall be final and conclusive.~~

The City Manager, with the approval of the Council, shall have the power to contract with a physician and surgeon, licensed to practice in the State of California, to perform the duties of Police Surgeon and to provide all medical services necessary for the operation of the Police Department.

ARGUMENT FOR PROPOSITION M

The Charter Review Committee is proposing to remove much unnecessary language from the sections of the charter involving the Police Department. Again, as in the actual case of the U.S. Constitution, details of police organization and personnel should be left to the legislative body. The proposal does not in any way alter the present administration or personnel system of the Police Department and it reflects existing practice. Most of the proposals here are in part a result of recommendations by the Police Department and the City Civil Service Department.

Howard L. Chernoff
Chairman
Citizens Charter Review Committee

ARGUMENT AGAINST PROPOSITION M

No argument against this proposition was filed in the Office of the City Clerk.

PROPOSITION N

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION N. CITY OF SAN DIEGO CHARTER AMENDMENT. Amend Section 58 of Charter of The City of San Diego. Amend Section 58 to eliminate the two-platoon system, other personnel provisions, and specific duties and powers of the Fire Chief, to give Fire Chief all power and authority under law, to eliminate any reference to Fire Surgeon.	YES	
	NO	

This proposition amends Section 58 of the Charter of The City of San Diego by deleting certain provisions thereof and by the addition of new provisions. The portions to be deleted are printed in STRIKE-OUT TYPE and the portions to be added are underlined.

Section 58. FIRE DEPARTMENT. The Fire Department shall consist of a Chief of the Fire Department and such other officers, members and employees as the Council may from time to time prescribe by ordinance. ~~All members of the Fire Department at the time this Charter takes effect shall be retained and shall only be removed for cause as otherwise provided herein.~~

The Chief of the Fire Department shall be appointed by the City Manager and the appointment shall be confirmed by a majority of the Council, provided, however, that the Chief of the Fire Department may be removed by the City Manager at any time in the manner provided for in Section 30 of Article V of this Charter. The Chief of the Fire Department shall have all power and authority necessary for the operation and control of the Fire Department and the protection of the lives and property of the people of the City from fire. In appointing the Chief of the Fire Department, the City Manager shall make his selection preferably from the ranks of the active members of the Fire Department with a rank of not less than that of battalion chief.

~~The Chief of the Fire Department, with the approval of the City Manager, shall direct and supervise the personnel, have charge of the property and equipment of the Department, and exercise all powers and duties provided by general laws or by ordinance of the Council. All appointments to the Fire Department shall be made in accordance with the Civil Service provisions of this Charter from applicants not less than twenty-one nor more than thirty years of age. After appointment members of the Fire Department shall not be subject to the Civil Service provisions of this Charter and promotions, demotions, suspensions and dismissals from the Fire~~

Department shall be made in accordance with fixed rules and regulations of a Merit System established by the Chief of the Fire Department and approved by ordinance of the Council; provided, however, that any member who has been dismissed, demoted or suspended, other than the Chief of the Fire Department, may within five days from the effective date of the order of such dismissal, demotion or suspension, appeal to the Civil Service Commission of the City, who which after proper notice, shall conduct a public hearing at which the Commission shall have power to determine the justice of such order of dismissal, demotion or suspension, and may affirm, modify or refuse such order. The action of said Commission on such hearing shall be final and conclusive.

It shall be the duty of the Chief of the Fire Department to superintend the prevention and extinguishment of fires, establish rules and regulations for the operation and control of the Fire Department and provide penalties for the violation thereof, exercise full power and authority over all appropriations made for the use of the Fire Department, subject to the approval of the City Manager.

The uniformed force of the San Diego Fire Department shall be divided into two divisions—one to perform duty days and one to perform duty nights. The day shift shall perform duty for a consecutive period of ten (10) hours, and the night shift for a consecutive period of fourteen (14) hours, except on change of shifts, when each shift shall alternately stand duty for a period of twenty-four (24) hours while the opposite shift is off duty, and such change of shift shall be made every third day, except in cases of emergency. The Chief of the Fire Department, however, with the approval of the City Manager, may change the hours of work, and the time of shifts above described, for the purpose of improving the working conditions of the members and the efficiency of said department, but no change shall be made which will impose additional burdens upon the members of said department or materially affect the double platoon system. The Chief of the Fire Department shall have all power and authority necessary for the operation and control of the Fire Department and the protection of the lives and property of the people of the City from fire.

The City Manager, with the approval of the Council, shall have the power to contract with a physician and surgeon, licensed to practice in the State of California, to perform the duties of Fire Surgeon and to provide all medical services necessary for the operation of the Fire Department.

ARGUMENT FOR PROPOSITION N

As in the case of the Police and other departments, the Charter Review Committee is recommending the deletion of unnecessary charter language referring to internal organization and administration in order to provide for more efficient, flexible and economical operation of the municipal government. It is not anticipated that major changes in administration, organization, or personnel procedure will result from approval of this amendment. Many of the suggestions for improvement of this section of the charter came from the Fire Department.

Howard L. Chernoff
Chairman
Citizens Charter Review Committee

ARGUMENT AGAINST PROPOSITION N

No argument against this proposition was filed in the Office of the City Clerk.

PROPOSITION O

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION O. CITY OF SAN DIEGO CHARTER AMENDMENT. Add Section 43.1 to Charter of The City of San Diego. Add new Section 43.1 giving the Council the authority to appoint members of commissions, boards or committees after the Council fails or refuses to confirm two successive nominees of the Mayor.	YES	
	NO	

This proposition adds Section 43.1 to the Charter of The City of San Diego. The portions to be added are underlined.

Section 43.1. COMMISSIONS, BOARDS, COMMITTEES—APPOINTMENTS. Whenever under the provisions of this Charter or ordinance the Mayor is vested with authority to nominate or appoint subject to confirmation of the Council the members of commissions, boards or committees, and the Council has failed or refused to confirm two successive nominations of the Mayor to a vacancy on such commission, board or committee, the nomination and appointment to fill such vacancy shall be by vote of the Council.

ARGUMENT FOR PROPOSITION O

No argument for this proposition was filed in the office of the City Clerk.

ARGUMENT AGAINST PROPOSITION O

The leadership position of the mayor within our council-manager form of government should be strengthened. Granting the mayor the authority to make appointments of citizens to commissions, boards, and committees (with council confirmation) contributes to his stronger leadership role. We are opposed to Proposition O because it permits the council to restrict and dilute the mayor's appointing responsibility.

Mrs. Robert G. Eason, President
League of Women Voters, San Diego

PROPOSITION P

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION P. CITY OF SAN DIEGO CHARTER AMENDMENT. Repeal Sections 61 and 63 of Charter of The City of San Diego. Repeal Section 61 establishing a Social Service Commission and Social Service Department; repeal Section 63 establishing a Library Commission and Library Department.	YES	
	NO	

This proposition repeals Sections 61 and 63 of the Charter of The City of San Diego. The portions to be deleted are printed in STRIKE-OUT TYPE.

Section 61. SOCIAL SERVICE DEPARTMENT. The Manager shall appoint a Social Service Commission consisting of five (5) members, only three (3) of whom shall be of the same sex. After their appointment said members shall determine by lot the terms of the members of the first Commission appointed hereunder. Two (2) members shall serve for terms of three (3) years and the other three (3) for terms of five (5) years. Thereafter the term of each member when appointed shall be for the term of five (5) years, or until his successor is appointed and qualified. Each of the members of the Social Service Commission shall have a general knowledge in the field of social welfare work.

The Social Service Department shall have such powers and duties as relate to the investigation, study, recommendation and execution of legislation and policies relating to the social welfare of the people of The City of San Diego, and particularly those relating to improvement of social conditions which might lead to poverty, crime and disease, and the recommendation and carrying out of constructive programs for the prevention of juvenile delinquency. The Department shall also have such additional powers and duties as may be conferred upon it by ordinance of the City Council.

The Manager shall also appoint a Director of Social Service, who shall have the necessary qualifications and experience in the field of social welfare work, whose duty it shall be to administer and carry out such programs as shall be authorized by ordinance of the Council, and such other duties in relation to social welfare in The City of San Diego as may be imposed upon him by said ordinance or the City Manager. Such Director of Social Service shall receive such compensation as shall be recommended by the Civil Service Commission and fixed by ordinance of the Council.

Section 63. LIBRARY DEPARTMENT. The Manager shall appoint a Library Commission of three members who shall serve without compensation during his pleasure. The Manager shall appoint a City Librarian who shall be executive officer and Director of the activities of the Department. The City Librarian must be either a graduate of a Library School accredited by the American Library Association, or present a statement from the Board of Library Examiners of the State of California that in their judgment the applicant is qualified to fill the position of Librarian of the San Diego Public Library. The Library Department shall consist of such central and branch libraries and reading rooms and have such subordinate officers and employees as shall be authorized by ordinance.

The City Librarian shall manage and control the libraries and reading rooms of the City, shall purchase books, periodicals, and other publications, may purchase, lease, or receive by gift, any real or personal property for library purposes, subject to the provisions of the Annual Appropriation Ordinance, and shall make and enforce rules and regulations for the proper administration of all real and personal property under the jurisdiction of the Library Department. The City Librarian shall perform such other functions as are prescribed by general law or ordinance for public libraries.

ARGUMENT FOR PROPOSITION P

As in several other propositions, and with the U.S. Constitution as a guide, the Charter Review Committee is proposing to eliminate unnecessary charter language. In the opinion of the committee it is unnecessary for the charter to provide in detail for most administrative departments, particularly those that are directly under the control of the Manager. These can be created and altered by the City Council; indeed, the latter procedure provides for a much more efficient and economical system of city government, than where detailed provision for organization and procedure are retained in the charter. Such changes as are being suggested will, for example, permit reorganization and procedural changes in city departments with-

out the costly and time-consuming charter change procedure, and will permit easy introduction into city administration of modern business practices which might have been prevented in the past by detailed charter language. It is not intended that there will be any change in the present organization or management of the departments deleted, or of citizen boards attached thereto.

Howard L. Chernoff
Chairman
Citizens Charter Review Committee

ARGUMENT AGAINST PROPOSITION P

No argument against this proposition was filed in the Office of the City Clerk.

PROPOSITION Q

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

<p>PROPOSITION Q. CITY OF SAN DIEGO CHARTER AMENDMENT. Amend Section 55 of Charter of The City of San Diego.</p> <p>Amend Section 55 to delete the Park and Recreation Commission as a charter commission, to delete reference to the Park and Recreation Director, and give responsibility for park and recreation services to City Manager, to eliminate the authority to contract with the San Diego Unified School District.</p>	<p>YES</p>	
	<p>NO</p>	

This proposition amends Section 55 of the Charter of The City of San Diego by deleting certain provisions thereof and by the addition of new provisions. The portions to be deleted are printed in STRIKE-OUT TYPE and the portions to be added are underlined.

Section 55. ~~PARK AND RECREATION DEPARTMENT. There is hereby created a department, to be known as the Park and Recreation Department, which shall be under the direction and supervision of a Director of Parks and Recreation, who shall be appointed by the Manager, and who shall have the duty of The City Manager~~ shall have the control and management of parks, parkways, plazas, beaches, cemeteries, street trees, landscaping of city-owned property, golf courses, playgrounds, recreation centers, recreation camps and recreation activities held on any city playgrounds, parks, beaches and piers, which may be owned, controlled or operated by the City. The City Council shall by ordinance adopt regulations for the proper use and protection of said park property, cemeteries, playgrounds and recreation facilities, and provide penalties for violations thereof. The Manager is charged with the enforcement of such regulations.

All real property owned in fee by the City heretofore or hereafter formally dedicated in perpetuity by ordinance of the Council or by statute of the State Legislature for park, recreation or cemetery purposes shall not be used for any but park, recreation or cemetery purposes without such changed use or purpose having been first authorized or later ratified by a vote of two-thirds of the qualified electors of the City voting at an election for such purpose. However, real property which has been heretofore or which may hereafter be set aside without the formality of an ordinance or statute dedicating such lands for park, recreation or cemetery purposes may be used for any public purpose deemed necessary by the Council.

Whenever the City Manager recommends it, and the City Council finds that the public interest demands it, the City Council may, without a vote of the people, authorize the opening and maintenance of streets and highways over, through and

across City fee-owned land which has heretofore or hereafter been formally dedicated in perpetuity by ordinance or statute for park, recreation and cemetery purposes.

The Park and Recreation Director shall have such other duties as may be imposed upon him by ordinance of The City of San Diego or as directed by the City Manager.

The City Manager shall have authority, subject to the approval of the Council, to enter into such contracts as may be deemed desirable for the best interests of the City for the joint operation and control of playgrounds by the San Diego Unified School District and the City. All such contracts shall be executed by the Board of Education of the San Diego Unified School District and the Manager, and may provide:

- (1) For the joint operation and control of playgrounds or recreation fields which may be owned by either the City or the said school district.
- (2) For selection of personnel to control such jointly-operated playgrounds and recreation fields.
- (3) For payment of compensation to personnel so selected and by virtue of the authority of said contract.
- (4) For proper maintenance and equipment of such jointly owned and operated playgrounds and recreation fields.

In the event that a contract is entered into with the San Diego Unified School District as herein authorized, the Director of Parks and Recreation shall perform such services in connection with such operation as may be provided for in said contract.

The Director of Parks and Recreation City Manager shall also have charge of the management, control, preservation, regulation, improvement and embellishment of all public burial grounds and cemeteries belonging to the City, and the sale of lots therein. At least fifty per cent of the net proceeds from the sale of all cemetery lots shall be deposited with the City Treasurer and be kept in a fund to be known as the Cemetery Perpetuity Fund. This fund shall be administered by the Funds Commission and shall be invested in such income-producing securities as the Funds Commission may decide. The principal of the perpetuity fund (subject to such accretion or diminution as may result from investing the same) shall not be available for meeting expenses for maintenance or upkeep of the cemeteries in any manner whatsoever. All income derived from the investment of the moneys in said perpetuity fund, together with the balance of the sale price of said lots not placed in the perpetuity fund, shall be expended in the maintenance and upkeep of the cemeteries and the perpetual care and upkeep of all graves and lots in said cemeteries; provided, however, that if in any one year such income is more than needed for the purpose of such maintenance, upkeep and perpetual care the Council may direct that the excess over and above that needed as above provided may be used for any other municipal purpose. Until the income from said investments of said perpetuity fund and the balance of the sale price of said lots each year are sufficient to maintain the cemeteries and to provide perpetual care and upkeep of all graves and lots in said cemeteries the Council shall annually appropriate from other revenues an amount sufficient to enable the City to provide perpetual care and upkeep of all graves and lots in the cemeteries.

There is hereby created a Park and Recreation Commission to consist of seven members, two of whom shall be appointed by the Board of Education of the San Diego Unified School District, one of whom shall be a member of said Board of Education, two of whom shall be appointed by the City Manager, and three of whom shall be appointed by the Mayor with the consent of the Council. The terms of office of the members of the Commission shall be four years. The members of the first commission appointed hereunder shall by lot stagger their terms so that two

shall serve for one year, two shall serve for two years, and two for three years, and the remaining one for four years. The Park and Recreation Commission shall advise with and recommend to the Manager and Director of Parks and Recreation with respect to public policy matters relating to the maintenance and operation of parks, playgrounds, recreational activities and cemeteries in The City of San Diego.

ARGUMENT FOR PROPOSITION Q

This is another instance where unnecessary language regarding administrative detail is being removed from the charter. It is felt that in doing so, details can be left up to the Council and the Manager in order to provide for more economical and efficient operation of the City. As in other cases, the Manager rather than departmental director is given charter responsibility for departments. This is currently the case, in any event. Neither the Park and Recreation Commission nor the Director of the Parks and Recreation nor the Department will be removed from city Government. It is intended that the Park and Recreation Commission continue as a citizen advisory board and that the Director shall continue to supervise the park and recreation program. Charter language referring to the authority of the city to contract with the San Diego Unified School District is being eliminated as unnecessary, since the City has this authority anyway.

Howard L. Chernoff
 Chairman
 Citizens Charter Review Committee

ARGUMENT AGAINST PROPOSITION Q

No argument against this proposition was filed in the Office of the City Clerk.

PROPOSITION R

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION R. CITY OF SAN DIEGO CHARTER AMENDMENT. Amend Section 53, add Section 26.1, repeal Sections 33, 34, 36, 44, 46, 59, 60, 60.1 and 60.2 of Charter of The City of San Diego. Amend Section 53 to make the City Manager responsible for the Water Utility, require water financial accounts to be maintained by City, eliminate language requiring a water advisory commission; repeal Sections 33, 34, 36, 44, 46, 59, 60 and 60.1 abolishing certain administrative departmental requirements; repeal Section 60.2 authorizing consolidation of Public Health Department with the County; add new Section 26.1 requiring the City to provide certain public services in lieu of the enumerated repealed sections.	YES	
	NO	

This proposition amends Section 53, adds Section 26.1, and repeals Sections 33, 34, 36, 44, 46, 59, 60, 60.1 and 60.2 of the Charter of The City of San Diego by deleting certain provisions thereof and by the addition of new provisions. The portions to be deleted are printed in STRIKE-OUT TYPE and the portions to be added are underlined.

Section 53. ~~WATER DEPARTMENT~~ UTILITY. There shall be included in the administrative organization of the City a separate department utility to be known as the Water Department Utility. ~~The Manager shall appoint a Director of the Water Department who shall have supervision of the operations of the Water Department.~~

The Department shall consist of such divisions as may be created by ordinance. The financial information and records on which the accounts are to be kept shall be established and maintained by the Water Department Accountant City, in accordance with methods set forth in Section 109 of the City Charter.

All revenues of the Water Department Utility shall be deposited in a Water Department Utility Fund. The Manager shall include in the annual budget the estimated expenditure and reserve requirements of the Water Department Utility Fund. The City Council using such estimates as a basis shall include in the annual appropriation ordinance for the Water Department Utility Fund provision for operating and maintenance costs; replacements, betterments, and expansion of facilities; payments necessary for obtaining water from the Colorado River; any other contractual obligations; reserves for future expansion of water utility plant; reserves for future water purchases. In addition thereto, the Council shall levy annually a tax sufficient to provide for the redemption of municipal bonds heretofore or hereafter issued for water purposes, together with a sum sufficient to pay the interest thereon. The amount of money necessary to be raised each year for the redemption of water bonds and the payment of interest thereon and for the retirement of any other funded or contractual indebtedness incurred by purchase or otherwise for the development, conservation or distribution of water shall be charged annually against the Water Department Utility on the accounts of the City. Only after providing the requirements for Water Department Utility purposes as set forth above may the City Council in the annual appropriation ordinance provide for the transfer to the General Fund of the City any excess revenues accruing to the Water Department Utility Fund. Such revenue transferred to the General Fund shall be available thereafter for use for any legal City purpose. All such surplus funds so transferred shall be credited on the accounts of the City as a reimbursement credit for the monies paid by the City each year for the redemption of Water Bonds and the payment of interest thereon, costs of services and facilities furnished to the Water Department Utility by other City departments and funds, and an amount equal to the estimated loss in taxation which would be paid to the City by the Water Utility if it were not municipally owned, together with a reasonable profit on the City's investment in the water system.

The Manager shall appoint an Advisory Commission of five citizens who have knowledge of water development problems and who shall not serve longer than five years without being reappointed, whose duties shall be as prescribed in Section 43 of this Charter.

The Council shall have power to employ special counsel for the purpose of advising and representing the City in all matters, proceedings and things relating to or concerning the development, impounding and distribution of water.

Section 26.1. PUBLIC SERVICES REQUIRED. It shall be the obligation and responsibility of The City of San Diego to provide public works services, water services, building inspection services, public health services, park and recreation services, library services, and such other services and programs as may be desired, under such terms and conditions as may be authorized by the Council by ordinance.

Section 33. MANAGER'S CONTROL DEPARTMENT. The Manager shall appoint a Budget Officer, a Purchasing Agent and a City Engineer. He may at his discretion combine any or all of these offices in one or more persons or may exercise the duties of one or more of these offices himself. Each of these officers shall serve during the pleasure of the Manager and shall receive for their services such compensation as is fixed in the Annual Appropriation Ordinance.

The Manager's Department shall consist of such subordinate officers and employees as shall be authorized by ordinance.

Section 34. BUDGET OFFICER. The Budget Officer shall assist the Manager in the preparation of the annual budget and in all matters connected with the expenditures of the appropriations provided in the annual appropriation ordinance. He shall co-operate with the Auditor and Comptroller, and Purchasing Agent in the financial affairs of the City and shall have power to investigate and report on the operation and methods of all Departments of the City. He shall investigate the efficiency of each activity of the Departments and report to the Manager his findings and recommendations thereon. He shall perform such other functions connected with the financial affairs of the City as the Manager or the Council by ordinance may direct.

Section 36. CITY ENGINEER. The Manager shall appoint a City Engineer who shall be a registered civil engineer of the State of California, and of not less than five years' experience as a civil engineer. He shall perform the duties imposed upon City Engineers by general law, this Charter, or ordinances of the Council together with such other duties relating to his office as may be required of him by the City Manager. He shall have such subordinate officers and employees as shall be authorized by ordinance. Neither the City Engineer nor his subordinates shall do any private engineering work while they are employed by the City.

It shall be the duty of the City Engineer, subject to the approval of the City Manager, to furnish any Department of the City such service, labor and materials as may be requisitioned by the head of such Department. The expense of such service, labor and materials shall be charged to the Department so furnished at actual cost.

He shall possess the same power in the City in making surveys, plats and certificates as is given by law to City Engineers and County Surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity given by law to those of City Engineers or County Surveyors. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control shall be the property of the City.

He shall be the custodian of, and responsible for, all maps, plans, profiles, field notes and other records and memoranda belonging to the City, pertaining to his office and the work thereof, and he shall keep complete statistical records covering the investigation, design, construction, maintenance and operation of all municipal works done under the direction of his office, all of which he shall keep in proper order and condition, with full indexes thereof, and shall turn the same over to his successor, who shall give him duplicate receipts therefor, one of which he shall file with the Auditor and Comptroller. No maps or specifications for public work for the improvement of streets or for the subdivision of property shall be accepted until they have been filed with and approved by the City Engineer. Such maps and specifications shall then become the property of the City.

Section 44. DIRECTORS OF DEPARTMENTS. At the head of each Department under the City Manager there shall be a Director as specified herein who shall have supervision and control thereof. The Manager may act as the Director of any Department under his direction. Each Director shall have power to prescribe rules and regulations, not inconsistent with this Charter and the ordinances passed in pursuance thereof, for the conduct of the officers and employees of the Department of which he is in charge, for the distribution and transaction of its business, and for the custody of the books, papers, records, and property under its control. The work of each Department shall be distributed among the Divisions established by this Charter or as may be established by ordinance. There shall be a single officer in charge of each Division.

Section 46. DEPARTMENT OF PUBLIC WORKS. STREET SUPERINTENDENT.

There is hereby created a Department of Public Works, which shall be under the supervision and direction of a Director of Public Works, who shall be appointed by the Manager, and who shall perform the duties imposed upon this department by general law, the City Charter or ordinance of the Council. The Department of Public Works shall have charge of streets, sewers, refuse collection and disposal, public buildings, shops, and the manufacturing, storing and repairing of automotive equipment, machinery, tools and other implements and equipment used by the City in connection with the administration of said Department of Public Works.

The Manager is authorized to divide the department into administrative divisions, and if he sees fit appoint a Supervisor for each, who shall, however, be under the supervision and direction of the Director of Public Works. The Manager may prescribe general rules and regulations for the administration of the Department of Public Works as he deems necessary.

The Manager shall also appoint a Street Superintendent, who shall be under the direction of the City Engineer, and shall do and perform any and all duties which may be imposed upon such Street Superintendent by public improvement laws of the State or this Charter.

Section 59. DEPARTMENT OF INSPECTION. The Department of Inspection shall consist of a Director of Building Inspection appointed by the Manager, and such subordinate officers and employees as shall be authorized by ordinance. The Director of Building Inspection shall be either a registered civil engineer or a certificated architect, either of whom must be licensed to practice his profession in the State of California, and be versed in building construction, strength and mechanics of materials, installations of all kinds, and has a general knowledge of the State housing laws and the local inspection ordinances. He shall have been engaged in his profession for a period of not less than five years prior to his appointment. The Director of Building Inspection and all of his supervisors, inspectors and deputies, shall have the right to enter into any buildings, or enclosures, or upon property within the limits of the City, for the purpose of inspecting the same and for enforcing the provisions of the building code, and all other laws and ordinances in force in the City relating to the duties of the Department in the preservation of the safety of the public. No officer or employee of the Department of Inspection shall be engaged either directly or indirectly in any business or profession during the time he is employed by the City in said Department, except that with the permission of the City Manager officers and employees of said Department of Inspection may teach or instruct students or pupils in a regularly established accredited school or college during such times as such teaching or instructing will not interfere with the duties prescribed for their office or employment with The City of San Diego.

Section 60. DEPARTMENT OF PUBLIC HEALTH.

(a) The Manager shall appoint a Public Health Commission consisting of five members, three of whom shall be graduates of a recognized legal college of medicine and duly licensed to practice medicine in the State of California. The remaining two shall have a general knowledge in the field of public health. The members of this Commission shall serve without compensation and shall hold office until their successors have been appointed and qualified.

(b) The Manager shall appoint a Director of Public Health who shall be a graduate of a recognized legal college of medicine and shall be licensed to practice his profession in the State of California. In addition to these qualifications he shall hold a degree of Director of Public Health from a recognized University, or, in lieu thereof, produce the necessary evidence showing that he possesses the essential qualities of administrative ability to perform the work of Director of Public Health.

(c) The Director of Public Health after appointment shall continue to hold office until his successor has been appointed and qualified and he shall receive as compensation such salary as may be fixed in the annual appropriation ordinance.

(d) The Director of Public Health shall be the executive officer of the Department and as such shall exercise all powers and perform all duties conferred by the general laws of the State upon health officers of municipal corporations. Such Director shall enforce all ordinances of The City of San Diego relating to public health and shall provide for the enforcement of all ordinances, quarantines, regulations and rules prescribed by the State Board of Health pertaining to the regulation of public health in The City of San Diego. He shall also carry out and perform any duty imposed upon him by any statute of the State relating to public health and vital statistics and shall have general supervision of all hospitals and clinics established by ordinance for the purpose of isolation and treatment of communicable diseases or child guidance clinics or any other clinics that may be established for preventive treatment of physical or mental conditions.

(e) The Director of Public Health shall appoint such officers, subordinates and employees as provided by ordinance and as may be necessary to carry out the provisions of this Article and to enforce all laws of the State and City appertaining to public health.

(f) The Public Health Commission as herein created shall exercise all the powers and perform all of the duties conferred by general law upon Boards of Health in the State of California and such additional powers and duties as may be prescribed for Boards of Health by the rules and regulations of the State Board of Health.

(g) The Director of Public Health, under the supervision of the Health Commission, shall have supervision and control under any and all ordinances adopted by the Council of The City of San Diego of hospitals, sanitariums, maternity hospitals, convalescent homes and all other establishments relating to public health. In addition thereto he shall have the power to issue and revoke permits or licenses provided for under any and all ordinances relating to health and sanitation.

(h) The Department of Public Health shall have under its supervision and control all health and sanitary inspectors appointed under any ordinance or ordinances of The City of San Diego which relate to public health. Said Department shall also have supervision and control of the issuance of permits for the operation and inspection of plumbing and gas installations and for all other establishments or businesses requiring inspection under the supervision of the Public Health Department. This Department shall also supervise the issuance and revocation of licenses of such itinerant vendors as may be licensed by ordinance of The City of San Diego.

(i) The Public Health Department shall have supervision over the City Pound and shall be authorized to enter into agreements with any organization formed under the general laws of the State of California for the maintenance and operation of city pounds.

(j) Subject to the approval of the Manager, the Public Health Director may enter into agreements or contracts with other political subdivisions of the State or other United States health services for the purpose of insuring and safeguarding the public health of The City of San Diego and the inhabitants thereof. And in this connection to cooperate with the Public Health Service and Department of the United States or State of California and with any City or County of this State whenever in the judgment of said Public Health Department the public health and safety of said City and its inhabitants will be best subserved.

Nothing in this Article contained shall be construed as preventing The City of San Diego from adopting any law which will confer benefits by the formation and maintenance of a local health district or prevent the formation of local health dis-

tricts including the territory of The City of San Diego as may be authorized by general law of said State.

Section 60.1. PLUMBING PERMITS AND INSPECTIONS REGULATED BY COUNCIL.

Notwithstanding the provisions of subdivision (h) of Section 60 of this Article, the Council of The City of San Diego shall have power by ordinance to provide that permits for the operation and inspection of plumbing and gas installations may be issued by the Department of Inspection, as provided in Section 59 hereof, and in said ordinance said Council may provide that the Plumbing Inspector and such assistants as may be provided by ordinance shall be under the supervision and control of the Chief Inspector of the Department of Inspection; provided, however, that nothing herein contained shall be construed as to affect the power of the Department of Public Health, or any other health officer of the State of California, from enforcing sanitary laws of the City and the State, and protecting the public health of the people of The City of San Diego.

Section 60.2. AUTHORITY TO CONSOLIDATE DEPARTMENT OF PUBLIC HEALTH WITH THE COUNTY OF SAN DIEGO.

The Council is herein authorized to enter into a contract with the Board of Supervisors of the County of San Diego, wherein the Council may agree that any or all of the duties and functions of officers and employees of the Department of Public Health of The City of San Diego may be performed by officers and employees of the County of San Diego. Said contract may also provide that all or some of the present employees of The City of San Diego now serving in the Department of Public Health may be transferred to and become employees of the County of San Diego with full accredited status of members of the Civil Service of said County; for the preservation of all seniority and pension rights of any employees of said City affected by such transfer, and also for direct payments by the City to the County to preserve said rights; and for compensating County for duties performed pursuant to the terms of said contract in the enforcement of health measures in said City either by direct payment to the County or by collection, directly or indirectly, by employees of the County of San Diego of fees, fines or penalties provided for or imposed under any city ordinance affecting public health and the retention by the County of such moneys so collected. Any officers or employees retained by the City who are obligated to continue their present duties shall perform such under the supervision of the City Manager or such other department head as he may select. In any such contract the right shall be reserved to the City to terminate said contract upon notice and assume again the obligations and duties prescribed by this Charter for the protection of public health within The City of San Diego.

ARGUMENT FOR PROPOSITION R

The Charter Review Committee again is attempting to provide for flexibility and economy in administration by removing reference to a Water Department and putting the authority to supervise the water utility in the hands of the Manager where actual supervision now rests. It is not intended to in any way change the operation or financial provisions of the present water department, or any element thereof. The amendment is largely concerned with improvement and clarification of charter language.

Proposition R removes language from the charter establishing various city departments. In line with Charter Review thinking as explained in other propositions, the purpose is to create administrative flexibility and economy and remove from the charter unnecessary sections. The U.S. Constitution, as previously explained, does not mention administrative departments but leaves department organization and procedures to the Congress and to the President. In the same way, the Charter Review Committee is proposing to have these details determined by the City

Council. It is not intending in any way to eliminate present city departments or present city services, but the flexibility and economy obtained by removal of obsolete and useless charter language will make the government more efficient and promote economy in the long run.

A section is added to the charter to make certain that citizens receive the services that were formerly provided by enumerated departments.

In eliminating reference to the Water Department the recommendation makes sure to retain the necessary and desirable features of water financing as presently contained in the charter. Provisions regarding the Health Department are removed because health services have been consolidated in the county Health Department for the past decade, and the City has no separate Health Department.

Howard L. Chernoff
Chairman
Citizens Charter Review Committee

ARGUMENT AGAINST PROPOSITION R

No argument against this proposition was filed in the Office of the City Clerk.

PROPOSITION S

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION S. CITY OF SAN DIEGO CHARTER AMENDMENT. Repeal Section 221 of Charter of The City of San Diego.	YES	
Repeal Section 221 establishing the hours for the City offices from 8:30 o'clock till 5:00 o'clock every day except legal holidays.	NO	

This proposition repeals Section 221 of the Charter of The City of San Diego. The portions to be deleted are printed in STRIKE-OUT TYPE.

~~Section 221. CITY OFFICES TO BE KEPT OPEN. Except where otherwise provided for by law or this Charter all public offices of the City shall be kept open for business every day except Legal Holidays from 8:30 o'clock in the morning until 5:00 o'clock in the afternoon.~~

ARGUMENT FOR PROPOSITION S

The present charter provision relative to the hours during which city offices must be open is an example of minor detail that should not be in the Charter. The provision is also an anachronism because city offices are required to be open longer than this period, and some employees work other hours and in addition to those specified.

Howard L. Chernoff
Chairman
Citizens Charter Review Committee

ARGUMENT AGAINST PROPOSITION S

No argument against this proposition was filed in the Office of the City Clerk.

PROPOSITION T

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION T. CITY OF SAN DIEGO CHARTER AMENDMENT. Amend Section 117 of Charter of The City of San Diego.	YES	
Amend Section 117 to add to the unclassified service all elective City officers, all department heads and one principal assistant or deputy in each department, City Manager, Planning Director, Confidential Secretary to City Attorney, temporary professional persons, interns, and retain in the classified service the incumbents in the positions of Planning Director, principal assistant thereto.	NO	

This proposition amends Section 117 of the Charter of The City of San Diego by deleting certain provisions thereof and by the addition of new provisions. The portions to be deleted are printed in STRIKE-OUT TYPE and the portions to be added are underlined.

Section 117. CLASSIFICATION: UNCLASSIFIED AND CLASSIFIED SERVICES.
The administrative service of the City is hereby divided into the Unclassified and Classified Service, as follows: Employment in the City shall be divided into the Unclassified and Classified Service.

The Unclassified Service shall include all elective positions and the following administrative offices:

(a) The Unclassified Service shall include:

~~Assistant to the Mayor; Confidential Secretary to the Mayor; Confidential Secretary to the City Council; City Manager, a confidential secretary, one Assistant Manager and two Assistants to the Manager; City Clerk; City Auditor and Comptroller; Park and Recreation Director; Assistant Park and Recreation Director; Director of Mission Bay Park; City Librarian; Chief of Police; two Deputy Police Chiefs; Director of Building Inspection; Confidential Secretary to the Chief of Police; Chief of Fire Department; Budget Officer; Purchasing Agent; Personnel Director; City Engineer; Assistant City Engineer; an Assistant to and all Deputies of the City Attorney; City Treasurer; Director of Operations; Director of Public Works; Assistant Public Works Director; Director of Public Health; Director of Social Service; Director of Utilities; Industrial Coordinator; officers and employees of the San Diego Unified School District; and members of all Commissions and Advisory Boards who serve the City without compensation.~~

1. All elective City Officers
2. Members of all boards and commissions
3. All department heads and one principal assistant or deputy in each department
4. One assistant to Mayor
5. City Manager, Assistant City Manager, and Assistants to the City Manager
6. City Clerk
7. Budget Officer
8. Purchasing Officer
9. Treasurer
10. All Assistant and Deputy City Attorneys

11. Industrial Coordinator
12. The Planning Director
13. A Confidential Secretary to the Mayor, City Council, City Manager, Police Chief, City Attorney
14. Officers and employees of San Diego Unified School District
15. Persons employed in positions for expert professional temporary service when such positions are exempted from the Classified Service for a specified period of temporary service by order of the Civil Service Commission
16. Interns including, but not limited to, Administrative Interns and Legal Interns, temporarily employed in regularly established training programs as defined in the job specifications of the City.

The Classified Service shall comprise all positions not specifically included by this Charter in the Unclassified Service.

(b) The Classified Service shall include all positions not specifically included by this section in the Unclassified Service; provided, however, that the incumbents in the positions of the Planning Director and the Principal Assistant to the Planning Director on January 1, 1963 shall remain in the Classified Service until the respective positions are vacated by the incumbents.

ARGUMENT FOR PROPOSITION T

Section 117 lists all persons in the unclassified service of the City (persons not under Civil Service and without Civil Service protection in employment and removal.) Since the Charter Review Committee proposes to eliminate reference to many specific departments this amendment simply places all department heads in the unclassified service where almost all of them were placed originally. It also additionally brings one assistant or deputy department head into the unclassified service. This is done because these individuals are concerned with departmental policy making and therefore should be subject to the complete control of the major administrative officers of the City, the department head and the Manager, who in turn are sensitive to public and Council opinions. Similar policy-making officers (e.g., assistants to the City Manager and attorneys) in other portions of the City government are also placed in the unclassified service.

The Planning Director is removed from the classified and placed in the unclassified service as is his principal assistant, but present incumbents are retained under civil service until they resign or retire. The Planning Director and his principal assistant are policy-making officials as described above, but it is thought desirable to protect the incumbents in their present status.

Howard L. Chernoff
Chairman
Citizens Charter Review Committee

ARGUMENT AGAINST PROPOSITION T

No argument against this proposition was filed in the Office of the City Clerk.

PROPOSITION U

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION U. CITY OF SAN DIEGO CHARTER AMENDMENT. Repeal Article XII, Sections 193, 194, 195, 195.1, 196, 197, 198, 199, 200 and 201 of Charter of The City of San Diego.	YES	
Repeal Article XII, Sections 193, 194, 195, 195.1, 196, 197, 198, 199, 200 and 201 establishing the requirements for labor in public works.	NO	

This proposition repeals Article XII, Sections 193, 194, 195, 195.1, 196, 197, 198, 199, 200 and 201 of the Charter of The City of San Diego. The portions to be deleted are printed in STRIKE-OUT TYPE.

ARTICLE XII LABOR ON PUBLIC WORK

~~Section 193. PREVAILING RATE OF WAGES TO BE PAID ON PUBLIC WORK. Not less than the prevailing or current rate of per diem wages paid by private employers in The City of San Diego for the same quality of service shall be paid to all laborers, workmen or mechanics employed by or on behalf of the City upon any public work, whether such work is done within or outside the limits of the City, and whether such work is done directly by the City or under contract or subcontract or any other arrangement whatsoever.~~

~~Section 194. TIME AND ONE HALF PAY.~~

~~Except for employees of the City who are paid twice monthly on the yearly salary basis, not less than one and one half times the said prevailing or current rate of per diem wages shall be paid for extra work performed by laborers, workmen or mechanics employed by or on behalf of the City upon any public work on Sundays and such legal holidays as shall be designated by the Council of said City by ordinance and for work performed in excess of eight hours in one calendar day in such cases in which such overtime work is permitted by law.~~

~~Section 195. PENALTY FOR FAILURE TO PAY PREVAILING RATE. The officer or public body awarding any contract for public work on behalf of the City shall ascertain the current or prevailing rate of per diem wages paid by private employers in the City for each craft or type of workman or mechanic needed to execute the contract, and shall specify in the bids for said contract, and in the contract itself, what the current or prevailing rate of wages is for each craft or type of workman or mechanic needed to execute the contract, also the overtime, Sunday and holiday rate, and it shall be mandatory upon the contractor to whom the contract is awarded, and upon any subcontractor under him, to pay at least the said specified rates to all laborers, workmen and mechanics employed by them in the execution of the contract, and it shall be unlawful for them to fail to do so. The contractor to whom such contract is awarded shall forfeit as a penalty to the City ten dollars for each laborer, workman or mechanic employed, for each calendar day such laborer, workman or mechanic is paid less than the said stipulated rates for any work done under said contract or by virtue of said contract, by him, or by any subcontractor under him, and the said officer or public body awarding the contract shall cause to be inserted in the contract a stipulation to this effect. The term "prevailing or current rate of per diem wages" shall be the rate determined upon as such rate by the officer or public body awarding the contract or employing the workman, whose decision in the matter shall be final. Nothing in these provisions, however, shall be construed to prohibit the payment to any laborer, workman or~~

mechanic employed on any public works aforesaid of more than the said current or prevailing wages.

Section 195.1. PUBLICATION OF WAGE SCALE.

Nothing in the foregoing section 195 shall be construed to require or authorize the publication of the prevailing wage scale in any notice inviting bids for contracts which require performance of labor or services in connection with said public work.

Section 196. EIGHT HOUR LIMIT ON PUBLIC WORKS. The time of service of any laborer, workman, or mechanic employed upon any of the public works of the City, whether such work is done within or outside the limits of the City, and whether such work is done directly by the City or under contract or subcontract or any other arrangement whatsoever, is hereby limited and restricted to eight hours during any one calendar day and it shall be unlawful for any officer or agent of the City who directs or controls the work of any laborer, workman, or mechanic, employed as herein aforesaid, to require or permit such laborer, workman, or mechanic to labor more than eight hours during any one calendar day, except in cases of extraordinary emergency, caused by fire, flood, or danger to life or property or except to work upon public military or naval defenses or works in time of war, provided, however, that within thirty days after any employee is permitted to work over eight hours in one calendar day due to such an extraordinary emergency, the contractor doing the work, or his duly authorized agent, shall file with the officer or board awarding the contract a report, verified by his oath, setting forth the nature of said emergency, which report shall contain the name of said worker and the hours worked by him on the said day, and failure to file the said report within the said time shall be prima facie evidence that no extraordinary emergency existed. The contractor to whom such contract is awarded shall forfeit as a penalty to the City ten dollars for each laborer, workman or mechanic employed in the execution of the contract, or by virtue of the contract, by him, or by any subcontractor under him, upon any public work or upon any work herein mentioned, for each calendar day during which such laborer, workman or mechanic is required or permitted to labor more than eight hours in violation of the provisions of this Section, and the said officer or public body awarding the contract shall cause to be inserted in the contract a provision to this effect. If the work is being done directly by the City the officer directly in charge of the work shall file the said verified report covering any such extraordinary emergency with his superior officer or the officer or board which appointed him.

Section 197. ALIEN LABOR ON PUBLIC WORKS PROHIBITED.

No alien shall be employed upon the public works of the City, whether such work is done within or outside the limits of the City, and whether such work is done directly by the City or under contract or sub-contract or any other arrangement whatsoever, except in cases of extraordinary emergency caused by fire, flood, or danger to life or property, or except to work upon public military or naval defenses or works in time of war, provided, however, that within thirty days after any alien is permitted to work thereon due to such an extraordinary emergency, the contractor doing the work, or his duly authorized agent, shall file with the officer or public body awarding the contract a report, verified by his oath, setting forth the nature of the said emergency and containing the name of the said alien, and failure to file the said report within the said time shall be prima facie evidence that no such extraordinary emergency existed. If the work is being done directly by the City the officer directly in charge of the work shall file the said verified report covering any such extraordinary emergency with his superior officer or the officer or board which appointed him. The contractor to whom such contract is awarded shall forfeit as a penalty to the City ten dollars for each alien employed in the execution of said contract, or by virtue of the contract, by him, or by any sub-

contractor under him, upon any of the public works of the City, or upon any work herein mentioned, for each calendar day during which such alien is permitted or required to labor in violation of the provisions of this Section, and the said officer or public body awarding the contract shall cause to be inserted in the contract a provision to this effect. The term "alien" as used herein shall mean any person who is not a born or fully naturalized citizen of the United States.

Provided, however, anything to the contrary in this section notwithstanding, that during a period when the United States is engaged in war, and for six (6) months following the cessation of hostilities, the City Council may by ordinance adopted by a vote of five (5) of its members, authorize the employment upon the public works of the City, of the nationals of countries allied with the United States or with which the United States is at peace.

Section 198. RECORDS TO BE KEPT BY CONTRACTORS. Every contractor doing public work shall keep or cause to be kept an accurate record showing the names, occupation and citizenship of all laborers, workmen or mechanics employed by him, or by any subcontractor under him, in connection with the said public work, and also showing the actual hours worked and actual wages paid to each of such workers, which record shall be open at all reasonable hours to the inspection of the officer or public body awarding the contract, their deputies and agents, and to the chief of the division of labor statistics and law enforcement of the department of industrial relations, his deputies and agents.

Section 199. DUTY TO REPORT VIOLATIONS. It shall be the duty of the officer or board awarding the contract to do any public work to take cognizance of all violations of the provisions of this Article committed in the course of the execution of said contract, and to report the same to City Auditor and Comptroller who shall withhold and retain from the contractor in question all sums and amounts which shall have been forfeited pursuant to the provisions of this Article and turn such sums over to the City Treasurer to become a part of the general fund of the City.

Section 200. PENALTY FOR VIOLATION. Any officer or member of a public board of the City who shall wilfully violate, or omit to comply, with any of the provisions of this Article shall be subject to removal from office by suit brought for that purpose in the Superior Court by any citizen, and any contractor, or agent or representative of any contractor doing any public work for or on behalf of the City, whether such work is done within or outside the limits of the City, who shall neglect to keep an accurate record of the names, occupation, citizenship, actual wages paid to and actual hours worked by the workers employed by him, or by any subcontractor under him, in connection with the said public work, or who shall refuse to allow access to same at any reasonable hour by any person authorized to inspect same under this Article, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding five hundred dollars, or by imprisonment for not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

Section 201. STREET WORK, ETC., SUBJECT TO THIS ARTICLE. Street work and other improvement work done under the direction and supervision of the City, as well as irrigation and reclamation work, shall be held to come under the provisions of this Article, provided, however, that nothing in this Article with reference to the hours of labor shall apply to regular municipal employees who are employed at a regular weekly, monthly or yearly salary.

ARGUMENT FOR PROPOSITION U

This proposition eliminates present detailed and sometimes misleading charter provisions regarding regulation of labor on public works of the City. In place of the present charter provisions it is proposed that state law govern labor on public

works. The state law provisions, in the opinion of the Charter Review Committee, are clearer and provide for approximately the same benefits, safeguards, and requirements. The proposal is also in conformity to the committee's desire to make the charter truly a constitutional document.

Howard L. Chernoff
Chairman
Citizens Charter Review Committee

ARGUMENT AGAINST PROPOSITION U

No argument against this proposition was filed in the Office of the City Clerk.

PROPOSITION V

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION V. CITY OF SAN DIEGO CHARTER AMENDMENT. Repeal Section 95 of Charter of The City of San Diego.	YES
Repeal Section 95 establishing a local preference in bidding.	NO

~~This proposition repeals Section 95 of the Charter of The City of San Diego. The portions to be deleted are printed in STRIKE-OUT TYPE.~~

~~Section 95. PREFERENCE IN ACCEPTING BIDS. Any board, officer, commission or department empowered by this Charter to award contracts for goods, wares, merchandise, stores, supplies, drugs, subsistence, materials, equipment, tools, or other products of industry or manufacture, the cost or expense of which is to be paid by the City or any board, office, commission or department thereof, may award a contract for the purchase, sale and furnishing thereof to a regular bidder other than the lowest responsible bidder therefor, when, in the judgment of such awarding board, officer, commission or department, the best interests of the City and the public policy relating to the general welfare will be subserved thereby, and when the bidder specifies in his bid the following terms and conditions to be observed in the execution of the contract and he furnishes additional security for the fulfillment thereof, to-wit:~~

~~That the articles, products or materials are to be in whole or in part manufactured, made or produced in industries established in The City of San Diego or in the County of San Diego, specifying the name and location thereof; or that the articles, products or materials are regularly stocked, handled and sold by business establishments located in The City of San Diego or in the County of San Diego, specifying the name and location of such establishments.~~

~~Provided, however, that the bid of such higher bidder does not in amount or price exceed by five per cent that of the lowest responsible bidder for such contract.~~

ARGUMENT FOR PROPOSITION V

The Charter Review Committee is proposing that preference to local firms in City contracts be eliminated. The committee believes that to obtain the most for the taxpayer's dollar the City should follow the tenets of the American free enterprise system by securing competitive bids from all sources and by selecting the lowest responsible bidder. San Diego firms can compete favorably because of their nearness and other advantages. Elimination of the above provision will enable the City of San Diego to obtain the most economic prices for the best values.

Howard L. Chernoff
Chairman
Citizens Charter Review Committee

ARGUMENT AGAINST PROPOSITION V

No argument against this proposition was filed in the Office of the City Clerk.

PROPOSITION W

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION W. CITY OF SAN DIEGO CHARTER AMENDMENT. Amend Section 104 of Charter of The City of San Diego. Amend Section 104 authorizing the City Council to utilize the laws of the State of California for the term of franchises.	YES	
	NO	

This proposition amends Section 104 of the Charter of The City of San Diego by deleting certain provisions thereof and by the addition of new provisions. The portions to be deleted are printed in STRIKE-OUT TYPE and the portions to be added are underlined.

Section 104. TERM AND PLAN OF PURCHASE. Within six months after this Charter takes effect, copies of all franchises existing at the time shall be deposited with the Manager. The Council shall certify to the existence of such franchises and shall recognize them for periods not longer than the date of expiration on each. The Manager shall keep a public record of all franchises, leases or permits granted for the use of the public property of the City. The terms of all new franchises shall not extend beyond a period of fifty years. Council may fix the term of each new franchise in accordance with the laws of the State of California, provided that any franchise may be terminated by ordinance whenever the City shall determine to acquire by condemnation or otherwise the property of any utility necessary for the welfare of the City, such termination to be effective upon and not before payment of the purchase price for the property to be acquired. The method of determining the price to be paid for the property so acquired shall be that provided by law affecting the purchase of public utility properties in effect at the time of the purchase or condemnation of such public utility property.

ARGUMENT FOR PROPOSITION W

The statutes of California referring to terms for which franchises may be granted have recognized that flexibility in fixing the period of the franchise rather than stipulating a particular number of years, as does the Charter, has proved to be desirable. Accordingly, the Charter Review Committee recommends that the Charter be amended to encourage this more flexible and updated procedure in granting franchises, which will continue to be under the control of the City Council. It is also believed that holders of franchises from the City of San Diego will be in an improved position as regards financing by virtue of this proposed amendment.

Howard L. Chernoff
Chairman
Citizens Charter Review Committee

ARGUMENT AGAINST PROPOSITION W

No argument against this proposition was filed in the Office of the City Clerk.

PROPOSITION X

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION X. CITY OF SAN DIEGO CHARTER AMENDMENT. Repeal Section 96 of Charter of The City of San Diego. Repeal Section 96 establishing the authority for and the method of progressive payments.	YES	
	NO	

This proposition repeals Section 96 of the Charter of The City of San Diego. The portions to be deleted are printed in STRIKE-OUT TYPE.

~~Section 96. PROGRESSIVE PAYMENTS. Any contract may provide for progressive payments if the ordinance or resolution authorizing the work so prescribes, but no progressive payment can be provided for or made at any time which, with prior payments, shall exceed in amount at that time ninety per cent of the value of the work done and materials used and no contract shall authorize or permit the payment of more than ninety per cent of the contract price before five days after the expiration period of filing liens, and the acceptance thereof by the Head of the Department concerned, and the Manager.~~

ARGUMENT FOR PROPOSITION X

The repeal of Section 96 regarding authority for progressive payments on contracts is suggested in order to shorten the length and reduce redundancy in the city charter. Authority to make such progressive payments and methods of doing so are provided elsewhere in the charter. It is intended that the practice of making such progressive payments will continue.

Howard L. Chernoff
Chairman
Citizens Charter Review Committee

ARGUMENT AGAINST PROPOSITION X

No argument against this proposition was filed in the Office of the City Clerk.

PROPOSITION Y

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION Y. CITY OF SAN DIEGO CHARTER AMENDMENT. Amend Section 213 of Charter of The City of San Diego. Amend Section 213 by inserting the language "or any amendments thereto" to continue ordinances and contracts in existence and in operation at the time of adoption of any charter amendments.	YES	
	NO	

This proposition amends Section 213 of the Charter of The City of San Diego by adding certain provisions thereof. The portions to be added are underlined.

Section 213. CONTINUING IN FORCE ORDINANCES AND CONTRACTS. All ordinances not inconsistent with any of the provisions of this Charter or any amendments thereto shall continue in force until amended or repealed, and all contracts of The City of San Diego in force at the time of the adoption of this Charter or any amendments thereto, and not inconsistent with any of the provisions thereof, shall continue in force until completed, amended or rescinded.

ARGUMENT FOR PROPOSITION Y

This proposition is a legal provision to insure that no disruptions or uncertainties in present government business result from any of the charter amendments which may be adopted. The proposition merely declares that no present ordinance or contract of the City shall be repealed by this election unless in conflict with amendments adopted.

Howard L. Chernoff
Chairman
Citizens Charter Review Committee

ARGUMENT AGAINST PROPOSITION Y

No argument against this proposition was filed in the Office of the City Clerk.