

CITIZENS' EQUAL OPPORTUNITY COMMISSION

MINUTES

**Wednesday, March 2, 2005
6:00 p.m.**

**City Administration Building
Council Committee Room
202 C Street
12th Floor
San Diego, CA 92101**

ATTENDANCE: Dan Salas (Chair), Brad Barnum, Julia Legaspi, Rebecca Llewellyn, Sarah Young, Audie De Castro, Eileen Chaske, Debbie Day, Sharon Marshall, Art Cribbs

CITY STAFF: Stacey Stevenson, EOC; Connie Chai Scholl, EOC; Susan Cola, City Attorney

- Item 1: **CALL TO ORDER:** The meeting was called to order at 6:11 p.m. by Chairperson Dan Salas.
- Item 2: **APPROVAL OF THE AGENDA AND MINUTES** (from February 2, 2005): Today's agenda and the minutes from February 2 approved with amendments, as moved by Commissioner Barnum, and seconded by Commissioner Cribbs.
- Item 3: **PUBLIC COMMENT:** No Public Comment made.
- Item 4: **ATTORNEY'S REPORT** – The City Attorney, Michael Aguirre, affirmed for the Commission the City Attorney's Office's role as the Commission's attorney, advisor, and resource. Mr. Aguirre referred to the Civil Rights Act and other Equal Opportunity laws as examples of progress made, however recognizing that discrimination still exists. Examples offered for consideration include the lack of opportunity for women to advance in law firms, and the few opportunities for diversity in construction trades.

Mr. Aguirre informed the Commission that the City of San Francisco has adopted a policy of "No Glass Ceiling" in law firms; this policy allows committed law firms to be signed onto a published list, and make public the non-compliant firms' list, with the result that the non-compliant firms quickly became compliant and 'in step' with the committed firms.

Mr. Aguirre also affirmed his goal of raising overall performance levels in the system. Mr. Aguirre offered to assist the Commission in developing a vision, under a broad consensus, and to work towards effective change given the current constraints. Mr. Aguirre reminded the Commission that the San Diego Municipal Code section 26.16, C1-6 gives the Commission broad powers to address discrimination and to advise the Mayor and Council. As part of his commitment to equal opportunity, Mr. Aguirre also declared his intention to set up an internal Civil Rights Unit of the City Attorney's Office in the next budget cycle.

Commissioner Cribbs asked the City Attorney to clarify the office's role in relation with Mr. Aguirre's ideals. Mr. Aguirre responded that the City Attorney's office was defined by the Charter Commission of the City to be a strong, independent elected office and not an appointed one, therefore he will be accountable to the people and not any appointing authority. The City Attorney's job is to make sure whatever policies are generated remain within the confines of the Municipal Code, the Charter, and the State Law. Mr. Aguirre invited the Commissioners to contact his office with questions, at 619-236-7777 or to visit the City Attorney's website at <http://www.sandiego.gov/cityattorney/index.shtml>

Commissioner Young requested clarification of Proposition 209, especially in relation to disabled citizens. Mr. Aguirre assured Commissioner Young that a memo providing the information requested will be sent from his office and staff will be available to provide in-person clarification of the law. Attorney Cola will bring a City Attorney's memo regarding Proposition 209, as written by erstwhile Deputy City Attorney Sharon Marshall, now a CEOC Commissioner, to a future meeting. Commissioner Barnum requested a briefing from the City Attorney's office regarding Proposition 209 and the 1993 AGC lawsuit.

Commissioner Llewellyn suggested that the Commission can work on realizing policies such as Prompt Payment.

Commissioner Llewellyn brought to the Commission's attention the state's "**California Strategic Sourcing Initiative**" cooperative in procurement, especially regarding its impact on small businesses.

- Item 5: ACTION - Beth Murray, Assistant to the City Manager, presented the City of San Diego Strong Mayor/Council Form of Government Transition Plan to the Commission. Ms. Murray provided a *MSPowerPoint*© slide-show. A copy of this presentation is available as Attachment A.
- Item 6: CHAIR'S REPORT: Chairman Salas reminded the Commission that the next Strategic Meeting is Friday, March 11. Commissioner Young recommended the Rancho Bernardo Swim and Tennis Club for the May 2005 Public Forum. Commissioner Barnum suggested that the Black Contractor Association location may be well-suited for a construction-related topic.
- Item 10: ADJOURNMENT: The meeting was adjourned at 8.10 p.m.



City of San Diego

Transition to Strong Mayor – Strong Council Form of Government

Citizens Equal Opportunity Commission
March 2, 2005

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City of San Diego

Background

- Proposition F passed by more than 50% on November 2, 2004
- Mandates a 5-Year trial period
 - Begins January 1, 2006
 - Sunsets December 31, 2010
- Suspends certain City Charter sections
- Enacts new provisions

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Current Council-Manager System

- Mayor is a member of the City Council
- City Council governs and sets policy for the City
- City Council's policies, rules and decisions are implemented by the City Manager
- City Manager is Chief Executive Officer, proposing the annual budget, and runs day-to-day affairs for the City

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Strong Mayor Overview

- Also referred to as "Mayor-Council" form of government
- City Council is an 8-member Legislative Branch
- Mayor is the Executive Branch
- Mayor is no longer a member of the City Council

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Mayor's New Roles

- Becomes Chief Executive Officer of the City
- Assumes Responsibilities currently held by the City Manager
- Responsible for the day-to-day affairs of the City
- Veto power over certain decisions



Mayoral Appointments

- Appoints City Manager, Fire Chief, Police Chief, Auditor, Treasurer and members of City Boards and Commissions
- Hires and fires all other department heads formerly under City Manager
- Selects representatives to serve on outside boards and agencies unless law vests that selection with City Council



City Council's New Roles

- Sets City Council meeting agendas
- Selects new Presiding Officer of the Council
- Establishes City Council Committees
- Sets new Permanent Rules of the City Council



City Council's New Roles

- Creates a New Office of the Independent Budget Analyst
- 5 votes required for most Legislation
- May Override Mayoral Veto with 5 votes



City of San Diego

City Council Appointments

- Confirms Manager, Fire Chief, Police Chief, Auditor, Treasurer, and members of City Boards and Commissions
- Hires and fires own staff, Clerk, and Independent Budget Analyst
- Police Chief and Fire Chief may appeal dismissal to Council
- Retains right to create Advisory Boards per Charter Section 43

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City of San Diego

Office of Independent Budget Analyst

- Appointed by the City Council
- Reviews Annual Budget prepared by the Mayor
- Provides Independent Budget information
- Manages and Controls an Office of Independent Budget Analyst
- Serves at the pleasure of the Council

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Independent Appointments

- Civil Service Commission appoints the Personnel Director
- Ethics Commission appoints Executive Director - confirmed by Council
- Retirement Board appoints Retirement Administrator

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City Council - Open Session Meetings

- Council Sets the legislative agenda for the City
- Mayor may make recommendations to the Council, but no longer controls docket
- Council's Presiding Officer conducts meetings of the Council
- Mayor has right to attend, but cannot vote, even with tie-breaks

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Closed Session Procedures

- Subject to Council Rules, Mayor, Presiding Officer of Council, and City Attorney determine closed session agenda
- Mayor presides over closed session but has no vote and no veto

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Budget Approval Process

- Mayor proposes budget by April 15
- Council may request review by Independent Budget Analyst
- Council makes final decisions by June 15
- Mayor has 5 days to veto and Council has 5 days to act
- Annual Appropriations Ordinance approved in July

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Mayor's Veto Power

- Can Veto Most Resolutions and Ordinances approved by Council, except:
 - Council procedures
 - Selection of Presiding Officer
 - Emergency ordinances
 - Annual Appropriation Ordinance
 - Quasi-judicial decisions (land use, CEQA, matters that require legal findings)

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Consultant Selection

- RFQ issued for consulting services
- City Council selected 2 consulting firms
 - One for the Legislative Branch
 - One for the Executive Branch
- Staff will conduct a major portion of the work supplemented on an as-needed basis by the consultants
- City Manager will contract for fixed tasks with a limited set fee

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Ad-Hoc Citizens Advisory Committee

- City Council approved the formation of citizens committee
- Consisting of one representative from each Council District and one selected by the Mayor
- Including 2 at-large members, one who was in favor of Proposition F and one in opposition.

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Public Input

- Created a new Web Page devoted to the Strong Mayor Transition Process
 - Includes meeting information, important documents, reports, etc.
 - www.sandiego.gov/mayortransition
- Created special E-mail address
 - mayortransition@sandiego.gov

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