



**DEWEY SQUARE GROUP**

**PRESIDING OFFICER REPORT  
SAN DIEGO CITY COUNCIL  
COUNCIL-MAYOR GOVERNMENT TRANSITION PROCESS  
MAY 12, 2005**

## **CHARTER SECTION 270 (D)**

*“The Council shall have the right to determine its own rules and order of business as provided for in Charter section 14, including a process for the selection of a presiding officer who shall have responsibility for chairing meetings of the Council and managing the docket process. Any such rules shall provide a process for the Mayor and independent department heads to propose matters for consideration by the Council in open session and a process for the City Attorney, Mayor, and Presiding Officer to coordinate the docketing of matters for consideration by the Council in any closed session of the Council.”*

## **CHARTER SECTION 265 (I)**

*“During the period of time when an appointment or election is pending to fill a vacancy in the Office of Mayor, the presiding officer of the Council shall be vested with the authority to supervise the staff remaining employed in the Office of the Mayor, to direct and exercise control over the City Manager in managing the affairs of the City under the purview of the Mayor and to exercise other power and authority vested in the Office of the Mayor when the exercise of such power and authority is required by law. This limited authority would include circumstances where the expeditious approval of a legislative action is necessary to meet a legal requirement imposed by a court or another governmental agency. Such limited authority would not include the exercise of the power of veto or any other discretionary privilege which is enjoyed by a person appointed or elected to the Office of Mayor. The presiding officer, while acting under this section pending the filling of a mayoral vacancy, shall not lose his or her rights as a Member of the Council.”*

## **INTRODUCTION**

The primary purpose of this report is to provide recommendations to the San Diego City Council on the creation of a Council Presiding Officer (PO). Consideration was given to how other cities select and remove their PO, the terms of office, and the duties that are assigned to those offices. DSG has conducted research on numerous cities that are comparable to San Diego.

The following report describes in greater detail the recommendations, methodology used and case studies or “portfolios” of cities that provide useful lessons to San Diego as it embarks on the creation of this important position.

The report is organized into six primary sections:

- I. Recommendations
- II. Purpose and Scope of Work
- III. Methodology
- IV. Comparative Analysis (Table)
- V. Portfolios
  - A. Detroit;
  - B. Jacksonville;

- C. Los Angeles;
- D. Oakland;
- E. San Francisco; and
- F. Seattle

VI. Conclusions

## I. RECOMMENDATIONS

DSG recommends creating a strong Presiding Officer with the institutional authority to mobilize the Council, including control over incentives to maintain a working majority, and authority to negotiate with the mayor. This general recommendation is consistent with other recommendations made to the Council to help it maximize its strength and leverage in relation to the executive.

Depending on the institutional authority and consensus-building incentives granted the Presiding Officer, a city can have a strong, moderate or weak PO, relative to the rest of the Council. These factors, which determine whether the PO is strong, moderate or weak, dictate in part how strong the Council is relative to the executive. In short, we believe that a strong Presiding Officer can lead to a cohesive and efficient Council. The more cohesive and efficient the Council, the more quickly and nimbly they will be able to act either in response to the mayor or in pursuit of their own goals. In other words, a centralized legislature equals a stronger legislature vis-à-vis the executive.

### 1. Selection

DSG recommends the Council select its Presiding Officer by a majority vote, but that a 2/3 vote be required to remove the PO from office. It was clear in our research that a majority vote is the overwhelming norm for large cities with district elections. Having the Councilor who garners the most votes serve as PO only works in jurisdictions with at-large districts and when all the Councilors are up for election at the same. Of the largest cities in the US that have a Council-Mayor form of government, none have a rotating Council Presiding Officer.

### 2. Term of Office

DSG recommends the Presiding Officer be selected to a two-year term. Most City Councils that elect their President provide for a two-year term of office, though some, like Jacksonville and Indianapolis, have a single-year term. Having a longer term induces more stability in the process, but may mean that members in the minority remain unrepresented for longer than they would with a one-year term. On balance, DSG believes this is a tradeoff worth making. Strength and stability are necessary components to building a cohesive and efficient Council. Minority concerns are somewhat ameliorated by the adoption of the provision whereby a PO can be removed, a situation that provides strong incentives for the PO to continue to keep a working majority throughout his or her term.

### 3. Duties

A number of duties are ascribed to the Presiding Officer by the new charter language, including presiding over meetings, and serving as acting Mayor when needed. From our research, DSG has determined that a number of additional responsibilities will be useful in providing for a strong leader with a working majority in support of his or her agenda. DSG recommends the Presiding Officer be granted the following duties and responsibilities:

- Preside over meetings of the City Council;

- Enforce the Rules of the City Council;
- Appoint Committee Chairs, Vice-Chairs, and Members for 2 year terms;
- Select the Presiding Officer Pro Tempore subject to majority approval;
- Refer matters (legislation and subject matter hearings) to Council committees;
- Manage the Council docketing process;
- Manage closed session docketing process in coordination with the Mayor and City Attorney;
- Determine which matters shall be listed on the Consent Agenda;
- Request investigation or information regarding matters before Council;
- Call special meetings of the Council;
- Represent the Council at public functions and to other governments;
- Compel attendance of witnesses and production of evidence; and
- Serve as acting Mayor in the case of vacancy in the office pending appointment of a successor.

## II. PURPOSE AND SCOPE OF WORK

DSG was instructed to assist the Council in establishing its Presiding Officer as it transitions to the new form of government.

To give the City of San Diego a sense of how other jurisdictions structure the roles and responsibilities of their respective Presiding Officers, a number of cities and jurisdictions from across the United States were researched and six were chosen to highlight as case studies.

## III. METHODOLOGY

After researching and reviewing numerous cities, DSG decided to pursue and develop case studies for six cities. The six chosen cities - Detroit, Jacksonville, Los Angeles, Oakland, San Francisco, and Seattle - were selected based on their structural similarity to San Diego (e.g. Council size, form of government, the existence of a PO), demographic diversity, and total population.

Portfolios are provided for each of these cities and recommendations based on San Diego's needs and the best practices of the jurisdictions that were studied.

## IV. COMPARATIVE ANALYSIS

This chart is meant to give a side-by-side comparison of the key considerations for an office of Presiding Officer. More detailed information is contained in the portfolios.

Function	Detroit	Jacksonville	Los Angeles	Oakland	San Francisco	Seattle
Selection Method	Highest vote getter	Majority vote	Majority vote	Majority vote	Majority vote	Majority vote
Removal	None	None	None	None	None	2/3rds vote

Term of Office	4 years	1 year	2 years	2 years	2 years	2 years
Term limit	None	None	None	None	None	None
Standing Committee PO Chairs	None	None	Rules and Elections	Rules and Legislation	Government Audit and Oversight	Government Affairs and Labor
Preside over Council Meetings	No – Presiding Officer of daily meetings is rotated	Yes	Yes	Yes	Yes	Yes
Appoint Committee Chairs and Members	Yes	Yes	Yes	Yes – Subject to Council confirmation	Yes	No – Council majority does
Appoint Members of Boards and Commissions	No – Council majority does	Recommends	Yes	Recommends	Yes	No – Council majority does
Control Council Agenda/ Calendar	No – Individuals/ City Clerk	Rules Committee sets agenda	Yes	No – Rules Committee	Yes	Yes
Refer Legislation to Committees	No – Council Majority	No – Rules Committee	Yes	No – Rules Committee	Yes	Yes
Vote on Committees	Yes	Yes	No	No	Only when a Member is absent	No
Allowed to Create Special Committees	No – Council majority	Yes	No – Council majority	No – Council majority	Yes	Yes
Sign All Ordinances and Resolutions	No	Yes	No	No	No	Yes
Allocate Office Space, Parking Spaces, etc.	No – Determined by electoral vote	Yes	Yes	No	No – Seniority Rule	No
Direct Council-wide Staff	No	Yes	Yes	Yes	Yes	Yes
Designate Committee Meeting Times	No	Yes	No	No	No	No
Pro-Tem	Second highest vote getter	Council majority vote	Council majority vote	Selected by President, subject to Council confirmation	Selected by President, no duties	Monthly rotation

## **V. PORTFOLIOS**

The portfolios detailed below are specific to Presiding Officers and should serve as a useful guide to San Diego.

### **A. DETROIT**

Detroit was chosen as a case study because it has a Council-Mayor form of government, is one of the largest cities in the U.S. and it has a total population and Council size that is similar to San Diego. Detroit is an example of a weak Presiding Officer. Detroit's Council has virtually no centralization as most of the Council's decision making authority is held by the Council as a whole.

In the fall elections, the candidate who garners the most total votes becomes the Council's PO. The PO wins a four-year term and there are no provisions for his/her removal. The individual with the second-highest vote total becomes the President Pro Tem. A Council aide stated that the reasoning behind this type of PO selection is to ensure that a PO is elected by the people, rather than by the Council, in case something happens to the Mayor and the PO has to take over. This structure, however, does not give the Presiding Officer institutional incentives to work within the Council and build coalitions because the highest vote-getter is automatically Presiding Officer and the rest of the Council has no power by which to remove his/her.

As for the duties assigned to them, Detroit does not entrust its PO with many of the duties other cities do. For example, the Detroit PO does not have the authority to preside over Council meetings, appoint members of Boards and Commissions, control the Council agenda or refer legislation to committees. He/she is not allowed to create special committees or allocate office space. Nor is he/she allowed to direct Council-wide staff or determine Committee meeting times. The PO also does not sign ordinances and resolutions. Detroit's PO does, however, have the ability to appoint committee chairs and members and serves as an ex-officio member of all Council committees.

According to one City Council member, Detroit's highly politicized Council environment is fueled by its structurally weak PO. The fact that the PO is selected by the highest number of votes rather than through a vote of the Council creates a divided council that has little incentive to work together. Consequently, the Detroit City Council is viewed by the Mayor and city residents as a fairly weak and ineffective legislative body.

#### **STRENGTHS OF THE DETROIT PRESIDING OFFICER**

- Stability. Four year term provides for long-term constancy.

#### **WEAKNESSES OF THE DETROIT PRESIDING OFFICER**

- Very little authority. PO is not elected by Council and can not be removed by Council, thereby providing no institutional mechanism for building consensus or

developing majority coalitions. A fractured Council cannot effectively balance power of the Mayor.

- Diffused decision-making. Very little institutional authority provides PO no control over the Council agenda or ability to lead. Decision making requires a majority of the nine member council; without leadership the Council is ineffective.

## **B. JACKSONVILLE**

Jacksonville was chosen as a case study because it has a Council-Mayor form of government, it is a large city and it has a uniquely structured Presiding Officer. Of the cities that we analyzed, Jacksonville has the strongest PO, but this office is also limited to a single-year term. Jacksonville's Council is highly centralized, although there is an efficient system in place to prevent the President and committee chairs from holding up legislation that is favored by a majority.

Jacksonville's Presiding Officer is selected by majority vote to a one-year term. The term runs from July 1<sup>st</sup> through June 30<sup>th</sup>. In election years immediately following an election, a "president designate" is selected who has limited power until the next July 1<sup>st</sup>. There is no limit to the amount of terms the Council member may serve as PO.

The primary duties of Jacksonville's PO include the following:

- Preside at all meetings or name someone else to preside;
- Appoint committee members, chairs and vice chairs;
- Designate the meeting days and times of committees;
- Appoint a peace officer to be Sergeant-At-Arms of the Council;
- Appoint a floor leader;
- Recommend to the Council by resolution people to fill positions that require appointment by the Council;
- Sign the minutes, ordinances and resolutions passed by the Council;
- Advise and provide policy guidance to the Council Secretary, Director of Staff Services, and Council Auditor;
- Serve as an Ex-Officio member of every committee – PO may vote on any question;
- Control the Council chamber and other Council rooms;
- Designate the Secretary to the Council President who serves at his discretion;
- Create special committees and appoint members to special committees created by the Council;
- Request that a committee investigate any department or agency;
- Call special meetings; and
- Appoint a Council member to serve as Chaplain of the Council.

The Council selects a Vice President by majority vote. This person serves as acting president when the president is unable to serve. When the Vice President serves as acting president, the chair of the Rules committee serves as acting vice president.

The PO does not get additional staff but, as one Councilor said, they don't really need it. With the comprehensive research department that Jacksonville has, additional staff for

the Council Presiding Officer is unnecessary. The Council President, however, reported that additional staff in her office would not go lacking for work. Every Councilor in Jacksonville gets one staff person with the staff person for the PO earning an extra \$5,000 per year.

The Presiding Officer technically control's the Council's docket. But in practice, bills reported out of committee by positive or negative vote are automatically placed on the council agenda for action. The Presiding Officer may temporarily defer action on a bill, but that deferral may be challenged by the rest of the council and the PO may be overridden by a majority vote of the council.

#### **STRENGTHS OF THE JACKSONVILLE PRESIDING OFFICER**

- Cohesion. A strong PO with a breadth of institutional authority keeps the Council relatively united.
- Checks and Balances. Systems are in place to prevent the President from holding up legislation that a majority of the Council favors.

#### **WEAKNESSES OF THE JACKSONVILLE PRESIDING OFFICER**

- One-year term. PO has very little time to get used to the job and learn the ropes before he/she must give up the position.

### **C. LOS ANGELES**

Los Angeles was chosen as a case study because it has a Council-Mayor form of government and recently enhanced the power of its executive through a charter revision. Los Angeles is also one of the largest cities in the US, has a diverse population and a strong Presiding Officer that has slightly different institutional powers than the strong PO in Jacksonville.

The Los Angeles Presiding Officer is selected by a majority vote of the Council to a two-year term. There is no limitation to the number of terms he or she may serve.

The duties of Los Angeles' PO include:

- Preside at all meetings;
- Determine the council agenda;
- Appoint committee members, chairs, and vice chairs;
- Appoint members to special committees unless Council specifies another method of selection;
- Appoint temporary substitutes in case of an absence on a committee;
- Appoint members to boards and commissions;
- Refer legislation to committees;
- Approve requests for the use of the media center and live cable coverage and the use of the Council chamber;
- Bring in absent members of the Council; and
- Call special meetings.

All requests for changes in office space, furniture, or equipment are submitted to the President for a decision – according to the Council Rules, “the president shall consider all factors involved, including council seniority”. In practice, seniority is the primary factor used in determining office space and resources in order to avoid discord over these issues.

The Council selects a President Pro Tem by majority vote. The President Pro Tem serves as presiding officer in the absence of the President. The PO selects the “Assistant President Pro Tem” to act on his/her behalf when he/she is unavailable.

According to one Council aide, Los Angeles’ PO structure is viewed very favorably by most, if not all, Council members and their staffs. The fact that the PO is selected by a majority vote of the Council, and can be removed by a majority vote of the Council, ensures that the President works proactively to maintain good relationships with the other Members. The aide also added that the “system is only as good as the person sitting in the chair...you can never design a system that will work for a bad leader”. Under the current Council President and the previous Council President, who have both served for a significant amount of time, a high priority has been placed on consensus building. This has created an internal environment whereby Council members expect the PO to engage in this activity and ensure that the Council’s public image is favorable, to the extent that he/she can limit public fighting or discord among the members. The PO’s ability to appoint chairs and memberships of committees is viewed as his/her most powerful incentive in accomplishing this.

#### **STRENGTHS OF THE LOS ANGELES PRESIDING OFFICER**

- Consensus Building. LA’s PO structure ensures that the PO must maintain positive relationships with the majority of the Council.
- Efficiency. The PO is well-respected by his/her peers and is able to keep committees and council meetings running smoothly.

#### **WEAKNESSES OF THE LOS ANGELES PRESIDING OFFICER**

- Dominance of PO. The power of the PO to assign committees and determine the Council’s agendas gives the PO considerable power over other Members to assert his/her agenda and political vision.

#### **D. OAKLAND**

Oakland was chosen as a case study primarily because it has recently transitioned to a Council-Mayor form of government from a Council-Manager structure. It is also one of the largest cities in the U.S. and is an example of a Presiding Officer with moderate power. The Council’s decision making authority is centralized in Oakland’s Rules committee. The PO’s powers are generally checked by a majority vote of the Council.

The Oakland Presiding Officer is selected by a majority vote of the Council to a two-year term. There is no limitation to the number of terms he or she may serve. The current

PO was the first Council Member to be selected after Oakland transitioned to the Council-Mayor form of government in 1999. The office of Council President does not have additional staff.

The primary responsibilities of the Oakland PO are to:

- Chair regular and special meetings of the City Council;
- Manage the Office of the City Council;
- Present the budget of the Office of the City Council for adoption;
- Select the President Pro Tem, subject to confirmation by the Council majority;
- Recommend appointments to regional and local boards and agencies, subject to confirmation by Council majority; and
- Appoint committee members, chairs and vice chairs – which are then subject to confirmation by Council majority.

Some powers granted to POs in other cities fall to other bodies in Oakland. For example, special committees are only established by Council majority. The Rules Committee refers legislation to committees; calls special meetings; defines jurisdiction and responsibilities of Council; and determines the Council agenda, consent and non-consent items. The Rules Committee may also give special assignments to committees.

Oakland's transition to a Council-Mayor form of government continues to be a work in progress. As such, DSG was told that the current PO was originally selected because of his strong personality and ability to be a consensus builder on the Council. It was suggested that he has been re-elected since then due to his ongoing consensus building amongst the majority bloc.

An aide to Oakland's current Council President suggested that San Diego allow for at least one additional staff position for the PO's office. This suggestion is based on the amount of time staff spends on scheduling and docketing items. The same aide also commented that if the priority of a Council is to counter-balance the Mayor, the Council President must be a consensus builder, otherwise Council Members will be fighting with each other and as a result the Mayor will go unchecked.

#### **STRENGTHS OF THE OAKLAND PRESIDING OFFICER**

- Checks and balances. Some of Oakland's Council's authority lies with the Rules Committee and/or the whole Council, balancing some of the power with the PO.

#### **WEAKNESSES OF THE OAKLAND PRESIDING OFFICER**

- Staffing. Oakland's Council President does not have additional staff, straining an already small staff.
- Limited power. Most of the power resides in the Rules Committee. The provision requiring majority approval for committee assignments may prohibit the President's ability to offer incentives for cooperation.

## **E. SAN FRANCISCO**

San Francisco was chosen as a case study for the following reasons: it has a Council-Mayor form of government and a strong PO, it is one of the largest cities in the U.S. and it recently (2000) instituted district elections that impacted how the Board President is selected.

The San Francisco Presiding Officer is selected by a majority vote of the Council to a two-year term, beginning the January after the most recent Supervisorial election. There is no limitation to the number of terms he or she may serve. If the Council President is absent at a meeting the clerk appoints a Presiding Officer.

Responsibilities of the San Francisco PO include:

- Preside at all meetings;
- Appoint committee members, chairs, and vice-chairs;
- Refer legislation to committees;
- Call special meetings;
- Represent the Board at functions within and outside the City and County;
- Designate representatives of the Board at meetings and conventions of other organizations;
- Supervise and control the legislative chamber;
- Subpoena witnesses, subject to a majority vote;
- Determine when a measure creates or revises major city policy for the purposes of the 30 day deferral requirement; and
- Select the President Pro Tem.

In 2000, San Francisco switched from city-wide, at-large elections to district elections for its eleven Supervisor positions. This switch impacted how a Board President is selected in San Francisco. Prior to 2000, it was the candidate who received the highest number of votes who became Board President; now it is a majority vote of the Board. This change was considered significant in 2000 and as a result, the behind-the-scenes positioning for Board President in San Francisco begins close to one-year prior to selection. This suggests that a shorter term would generate even more constant politicking around this election. Although quiet campaigning generally begins this far out in many City Councils, in San Francisco it has an elevated profile in the press and with the public due in large part to the strong personalities of each Board Member and the discordant relationship between the "progressive bloc" on the Board and the current Mayor, as well as the most recent former Mayor.

It is up to each Council President to determine how he/she uses his/her power to influence the Council and executive. The current Board President in San Francisco feels it is important to make sure the Supervisors get along and that Board meetings run smoothly. This helps facilitate a cohesive Board as opposed to a Board whose infighting allows for the Mayor to dominate them.

## **STRENGTHS OF THE SAN FRANCISCO PRESIDING OFFICER**

- Stability. The Board President is elected to a two-year term and appoints committee assignments for the same period.
- Strong counter-balance to executive. The three Board Presidents that have been selected since 2000 have provided a strong counterbalance to the Mayor.

## **WEAKNESSES OF THE SAN FRANCISCO PRESIDING OFFICER**

- Staffing. The Board President does not have additional staff, straining a staff of two that is already spread thin.

## **F. SEATTLE**

Seattle was selected as a case study because it has a Council-Mayor form of government and is a large, diverse city with a small number of City Council members, similar to San Diego. Seattle's PO has limited powers and is thus considered fairly weak, though its PO is vastly stronger than Detroit's PO. Most of the decision making authority in Seattle is held by the Council as a whole.

The Seattle Presiding Officer is selected by a majority vote of the Council to a two-year term. There is no limitation to the number of terms he or she may serve, but informally, Presiding Officers only serve one consecutive term. Individual Council members have been PO more than once, but with a break in between terms. The PO may be removed by a 2/3 vote of the Council.

The primary duties of the Seattle PO include the responsibility to:

- Preside over all meetings;
- Hiring and firing authority over central staff;
- Determine council agenda;
- Refer legislation to committees;
- Sign all ordinances and resolutions passed by the Council;
- Monitor committee agendas to ensure that issues are appropriate and within the scope of the work of the committee;
- Serve as acting mayor in the Mayor's absence or incapacitation;
- Control Council chambers;
- Excuse absences of members from Council or Committee meetings;
- Create special committees and appoint their members;
- Call special meetings; and
- Head the Legislative Department.

Some duties assigned to the PO in other cities are assigned elsewhere in Seattle. Public hearings are held at the discretion of the President or committee chairs when not required by law. Committee memberships, jurisdiction, and meeting schedules are determined by the whole Council; however, if there is no agreement, the President polls the members and makes a decision about these items which is then subject to ratification by a majority vote.

The President Pro Tem is selected by monthly rotation and his/her duty is to act as President in case of absence or incapacitation of the PO.

While the PO's power is more limited than other cities, the Seattle PO does have authority on the hiring and firing of council-wide staff—including the legislative and budget analysts, and the public information officer. This gives the PO a measure of control over a staff that otherwise works for the entire Council.

One of the most important powers a PO can have is the appointment of committee chairs. The Seattle PO has only watered down authority on this issue. Standing committees are formed through a process of discussion and consensus among Council Members. The decision must then be submitted to the Members for ratification by resolution. If no consensus is reached, the Council President polls the members and makes a decision which is then submitted to Members for ratification by resolution. This occurs every two years after the election.

#### **STRENGTHS OF THE SEATTLE PRESIDING OFFICER**

- Hiring authority over central staff. This power gives the PO a stronger position in directing the legislative and budget analysts.

#### **WEAKNESSES OF THE SEATTLE PRESIDING OFFICER**

- No additional staff. The PO's position would be strengthened with additional resources that could be used to mobilize his/her colleagues.
- Lack of power on committee assignments. This is a major weakness in terms of consensus building and providing behavioral incentives.

#### **VI. CONCLUSION**

There is no one portfolio city structure that will suit all of San Diego's needs in creating its Presiding Officer. DSG believes each of the cities provide examples of aspects to consider. Overall, it is clear that developing a structurally strong Presiding Officer is essential to the success of the Council.