OFFICE OF

THE CITY ATTORNEY

CITY OF SAN DIEGO

Michael J. Aguirre

CITY ATTORNEY

1200 THIRD AVENUE, SUITE 1620
SAN DIEGO, CALIFORNIA 92101-4178
TELEPHONE (619) 236-6220
FAX (619) 236-7215

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REPORT TO THE STRONG MAYOR
TRANSITION COMMITTEE

THE MAYOR'S ROLE IN THE OPERATION OF THE CITY OF SAN DIEGO REDEVELOPMENT AGENCY UNDER PROPOSITION F, THE "STRONG MAYOR" FORM OF GOVERNMENT

INTRODUCTION

This Report addresses certain issues pertaining to the recently approved "Strong Mayor" form of government and its relationship to the functions of the Redevelopment Agency of The City of San Diego.

BACKGROUND

On November 7, 2004, City of San Diego [City] voters passed Proposition F, which authorizes a "Strong Mayor" form of governance for a five-year trial period, beginning on January 1, 2006, and ending on December 31, 2010. To implement the Strong Mayor form of governance, Proposition F authorizes the temporary suspension of certain provisions of the City Charter with the concurrent enactment of new provisions to effect the Strong Mayor system during the five-year trial period.[1]

On August 4, 2005, our office presented a report to the Strong Mayor Transition Committee [Committee], outlining the effects of Proposition F on the City of San Diego Redevelopment Agency [Agency]. *See* Report to the Strong Mayor Transition Committee, dated August 4, 2005, attached as Exhibit A. The report concluded that once Proposition F takes effect the following will occur: (1) the Mayor will be removed from the City's legislative body and will assume solely executive functions; (2) the Mayor can no longer serve as a member of the Agency Board and the Agency Board will be composed of eight Council members; (3) the Agency Board must amend the Agency Bylaws so that the Agency Bylaws, in light of the Strong Mayor changes, do not conflict with the Community Redevelopment Law [CRL] (Cal. Health & Safety Code §§ 33000-33855); (4) the City Manager can no longer serve as the Executive Director of the Agency absent Mayoral supervision; and (5) the Agency has discretion to designate the Mayor as Executive Director, or the Mayor as the CEO with the City Manager as the Executive Director, or any other qualified person who is not the Mayor or City Manager as the Executive Director. After presentation of the report, several Committee members

[1] The new City Charter sections are 250, 255, 260, 265, 270, 275, 280, 285, 290, and 295. The inoperative City Charter sections are 12(a), 13, 16, 17, 22, 24, 25, and 27.

posed questions about the Mayor's role with respect to Agency governance and the Agency's budget. Since the August 4 Committee hearing, other staff members have requested clarification on (1) whether the Agency Board could appoint an unclassified City employee as the Agency's interim Executive Director during the period from January 1, 2006, through the completion of the proposed Agency separation from the City and (2) whether the City and Agency could modify the existing operating agreement between the two parties to allow classified City employees that currently staff the Agency to continue to staff the Agency under the direction of the Agency Board after January 1, 2006. This report addresses these issues.

DISCUSSION

I. The adoption or approval of redevelopment items is governed by the CRL, which specifies which actions must be approved by the legislative body and the Agency Board.

The CRL governs redevelopment activity by public agencies within the state, including charter cities such as the City of San Diego. *Redevelopment Agency v. City of Berkeley*, 80 Cal.App.3d 158, 168-69 (1978)(the CRL preempts the field, therefore, charter provisions may not conflict with the CRL).

The CRL sets forth the creation, purpose, and operation of "the redevelopment agency" for each public agency desiring to exercise redevelopment powers within its jurisdiction. Cal. Health & Safety Code § 33101. When the legislative body declares the need for a redevelopment agency in accordance with the CRL, the legislative body may establish itself as the redevelopment agency, or it may establish a separate redevelopment agency comprised of resident electors of the community. Cal. Health & Safety Code §§ 33003, 33110, 33200. The legislative body means "the city council, board of supervisors, or other legislative body of the community." Cal. Health & Safety Code § 33007.

When the legislative body declares itself to be the redevelopment agency, as the City Council did pursuant to resolution, on May 6, 1958, the legislative body becomes the governing board of the redevelopment agency (the "Agency Board"). Cal. Health & Safety Code § 33200(a). All of the "rights, powers, duties, privileges and immunities," vested by the CRL in the Agency, except as specifically provided by the CRL, then vest in the legislative body of the community. *Id.* The City's legislative body currently consists of eight Council members plus the Mayor. However, once Proposition F takes effect on January 1, 2006, the legislative body will consist of eight Council members without the Mayor. Consequently, after January 1, 2006, the Agency Board will also be composed of the eight Council members without the Mayor.

The adoption or approval of redevelopment items is governed by the CRL, which specifies which actions must be approved by the legislative body, and whether by resolution or ordinance. For example, section 33365 of the CRL provides that a redevelopment plan for a redevelopment project area must be adopted by ordinance of the legislative body and section 33434 provides that the lease or sale of real property for purposes of redevelopment must be approved by resolution of the legislative body. Under section 33606 of the CRL, the Agency Board must adopt an annual budget containing all of the following information, including all of the activities to be financed by the Low and Moderate Income Housing Fund established pursuant to section 33334.3 of the CRL:

(a) The proposed expenditures of the Agency.
(b) The proposed indebtedness to be incurred by the Agency.
(c) The anticipated revenues of the Agency.
(d) The work program for the coming year, including goals.
(e) An examination of the previous year's achievements and a comparison of the achievements with the goals of the previous year's work program.

The annual budget may be amended from time to time as determined by the Agency. Cal. Health & Safety Code § 33606. All expenditures and indebtedness of the Agency shall be in conformity with the adopted or amended budget. *Id.* If the legislative body has *not* declared itself to be the Agency Board, then the legislative body must approve the Agency budget. *Id.* All administrative decisions not specifically delegated to the legislative body by the CRL -- for example, the selection, appointment, and employment of permanent and temporary officers, agents, counsel and employees of the Agency -- may be approved by the Agency Board. *See, e.g.*, Cal. Health & Safety Code § 33126(a). For a list of redevelopment decisions that require adoption or approval by the legislative body, see Table of Redevelopment Decisions, attached as Exhibit B.

II. The City Council, acting as the legislative body to exercise the powers of the CRL, may adopt the City's voting procedures by ordinance.

Subject to certain specific exceptions, the CRL does not dictate the number of votes required by the legislative body to pass a resolution or ordinance, or the procedure by which such actions become effective.[2] Therefore, an issue arises as to whether the City Council, acting as the legislative body under the CRL, may adopt the City's voting procedures to pass a resolution or an ordinance required under the CRL.

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[2] The noted exceptions are section 333365 of the CRL, which requires a two-thirds vote of the entire membership eligible and qualified to vote and, section 33433 of the CRL, which provides that a resolution approving the lease or sale of property acquired in whole or part with tax increment, must be approved by a majority vote unless the legislative body has provided by ordinance for a two-thirds vote.

Chartered cities have full power to regulate municipal affairs, and ordinances supersede general laws insofar as the latter conflict with the ordinance unless the state has preempted the field. *See Redevelopment Agency v. City of Berkeley*, 80 Cal. App. 3d 158 (1978)(*citing Bellus v. City of Eureka*, 69 Cal. 2d 336, 346 (1968)). For charter cities such as the City of San Diego, which has been a charter city since 1931, this determination is left to the discretion of the legislative body, as provided in section 33204 of the CRL, which states that "[a] chartered city may enact its own procedural ordinance and exercise the powers granted by this part." This does not mean, however, that a charter city may use its procedural ordinance to *regulate the powers* delegated by the CRL to the legislative body. S*ee e.g., Redevelopment Agency v. City of Berkeley*, 80 Cal. App. 3d 158 (1978)(Section 33204 did not authorize a charter city to regulate the administrative actions of the city's redevelopment agency by initiative proceedings.) Consequently, we believe that the City Council, acting as the legislative body under the CRL, may adopt the City's voting procedures for passage of ordinances and resolutions, as long as those procedures do not conflict with the CRL or usurp the legislative body's authority to carry out the CRL.

III. The Mayor's veto does not conflict with the CRL or usurp the City Council's authority because only the Council members may vote to pass a redevelopment item.

The City's voting procedures are set forth in the San Diego City Charter. In particular, the number of votes required to pass a resolution or ordinance is governed by San Diego Charter section 15, which provides that "[e]xcept as otherwise provided herein the affirmative vote of a majority of the members elected to the Council shall be necessary to adopt any ordinance, resolution, order or vote ...." Once the Strong Mayor form of governance takes effect, however, Charter section 15 will operate in conjunction with sections 275, 280, and 285, which provide as follows:

Section 275: Introduction and Passage of Ordinances and Resolutions

(a) Ordinances shall be introduced in the Council only in written form. An alteration necessary only to correct a typographical or clerical error or omission may be performed by the City Clerk with the written approval and concurrence of the City Attorney, so long as the alteration does not materially or substantially alter the contents, requirements, rights, responsibilities, conditions, or prescriptions contained in the original text of the ordinance. A typographical or clerical error shall include, but is not limited to, incorrect spelling, grammar, numbering, punctuation, transposed words or numbers, and duplicate words or numbers.

(b) All ordinances except annual appropriation ordinances and ordinances codifying or rearranging existing ordinances, shall be confined to one subject, and the subject or subjects of all ordinances shall be clearly expressed in the title.

(c) The following ordinances may be passed by the Council on the day of their introduction: ordinances making the annual tax levy; the annual appropriation ordinance; ordinances calling or relating to elections; ordinances recommended by the Mayor or 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 295 of this Charter. Other ordinances, however, shall be passed by the Council only after twelve calendar days have elapsed from the day of their introduction.

(d) Each ordinance shall be read in full prior to passage unless such reading is dispensed with by a vote of five members of the Council, and a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(e) The yeas and nays shall be taken upon the Council's passage of all resolutions and ordinances and entered upon the journal of the proceedings of the Council.

(f) 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 initiative shall be "Be it ordained by the People of the City of San Diego."

Section 280: Approval or Veto of Council Actions by Mayor

(a) The Mayor shall have veto power over all resolutions and ordinances passed by Council with the following exceptions:

(1) The Mayor's veto power shall not extend to matters that are exclusively within the purview of Council, such as selection of the Independent Budget Analyst, the selection of a presiding officer, or the establishment of other rules or policies of governance exclusive to the Council and not affecting the administrative service of the City under the control of the Mayor.

(2) The Mayor's veto power shall not extend to those matters where the Council has acted as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented.

(3) Emergency Ordinances.

(4) The Annual Appropriation Ordinance.

(5) The Salary Ordinance, which instead shall be subject to veto in accordance with the process described in section 290.

(b) Matters that are not subject to the Mayor's veto power shall be clearly indicated as such on the Council's agenda and within the body of the

resolution or ordinance, which pursuant to section 40, shall be signed as to form and legality by the City Attorney.

(c) The following shall apply to each resolution and ordinance that has been passed by the Council and is subject to the Mayor's veto:

(1) Each such resolution or ordinance shall, within forty-eight hours of passage, be transmitted to the Mayor by the City Clerk with appropriate notations of the action taken by the Council.

(2) The Mayor shall act upon each resolution or ordinance within ten business days of receiving the City Clerk's transmittal.

(3) The Mayor shall either approve the resolution or ordinance by signing and return it to the City Clerk within the specified time limit, or shall veto any resolution or ordinance and return it to the City Clerk with his or her written objections within the specified time limit.

(4) Failure to return the resolution or ordinance within the specified time limit shall constitute approval and such resolution or ordinance shall take effect without the Mayor's signed approval. The City Clerk shall note this fact on the official copy of such resolution or ordinance.

Section 285: Enactment Over Veto

The Council shall reconsider any resolution or ordinance vetoed by the Mayor. If, after such reconsideration, at least five members of the Council vote in favor of passage, that resolution or ordinance shall become effective notwithstanding the Mayor's veto. If more than five votes are required for the passage of any resolution or ordinance by the provisions of this Charter or other superseding law, such larger vote shall be required to override the veto of the Mayor. If a vetoed resolution or ordinance does not receive sufficient votes to override the Mayor's veto within thirty calendar days of such veto, that resolution or ordinance shall be deemed disapproved and have no legal effect.

As indicated in the above procedure, while the Mayor may exercise veto authority over any items not subject to specified exceptions under section 280, the Mayor may not vote to pass or reject an item. Additionally, unlike other veto procedures (e.g., Cal. Const., Art IV, § 10(a), which requires a two-thirds vote to overcome the Governor's veto), the Mayor's veto does not alter the number of legislative votes required to pass an item. Therefore, the Council members' authority to vote on an item, while potentially delayed by the Mayor's veto for reconsideration, is not usurped or reduced in any manner. This situation is, therefore, distinguishable from the one considered in *Redevelopment Agency v. City of Berkeley*, 80 Cal. App. 3d 158 (1978), wherein the court invalidated an ordinance passed by a voters' initiative, which was authorized by the city charter and which allowed the voters to invalidate a redevelopment plan approved by the

city's redevelopment agency. Consequently, we believe that the City Council, acting as the legislative body under the CRL, may adopt the City's Strong Mayor voting procedures to exercise the powers of the CRL.

IV. Unless the Agency revises its bylaws, the Mayor will have veto power over legislative body decisions but not Agency Board decisions.

In accordance with the CRL, the Agency Board may "make, amend, and repeal" bylaws and regulations not inconsistent with, and to carry into effect, the powers and purposes of the CRL. Cal. Health & Safety Code § 33125(d). The Agency's first set of bylaws were adopted by the Agency Board on April 29, 1969. The Agency Bylaws were amended most recently on March 3, 1975, approximately thirty years prior to the passage of Proposition F. *See* copy of the Agency Bylaws attached as Exhibit C. This version is still current as of the date of this writing.

Article II, section 1 of the Agency Bylaws designates the "Council members" as the "Board Members." Article III, section 4 provides that, "[w]hen a quorum [of five members] is in attendance, action may be taken by the Agency upon a vote of a majority of the Agency members." Consequently, the number of votes required to pass any action is currently compatible with the majority vote required by Council to pass any ordinance or resolution under San Diego Charter section 15.[3] Once the Strong Mayor form of governance takes effect, however, without an amendment to the Agency Bylaws, redevelopment decisions made by the legislative body will be subject to the City's voting procedures under San Diego Charter sections 275, 280 and 285 while Agency Board decisions will not.[4] For a complete list of legislative body versus Agency Board actions, see Table of Redevelopment Decisions attached as Exhibit B.

In light of the disparate voting procedures discussed above, we anticipate that the Committee members may pose the question of whether the Agency Board could adopt the City's voting procedure under the Strong Mayor form of governance to allow the Mayor to provide direct input in all Agency decisions.

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[3] The exceptions to the majority vote under San Diego Charter section 15 do not apply to redevelopment decisions required under the CRL. *See, e.g.*, table of decisions requiring a two-thirds vote of the City Council, attached as Exhibit D.

[4] While the Mayor will not have direct input in the Agency Board decision making process, he or she will still have direct input for legislative body actions, the most significant of which are as follows: the designation of the redevelopment survey area (section 33310), adoption/amendment of a redevelopment plan (section 33364-33366), formation of a Project Area Committee (section 33385), the sale or lease of property acquired with tax increment (section 33433), the appropriation of funds to the Agency (section 33610), the issuance of Agency Bonds (33640), and the delegation of powers to a Community Development Commission (section 34112).

As previously stated in the aforementioned paragraphs, the CRL does not specify the number of votes required to pass an Agency Board action or the procedure by which such action becomes effective. Rather, the CRL allows the Agency Board to "make, amend, and repeal" bylaws and regulations not inconsistent with, and to carry into effect, the powers and purposes of the CRL. Cal. Health & Safety Code § 33125(d). The analysis for adoption of the City's voting procedure in the Agency bylaws is thus analogous to the analysis of whether the City Council, acting as the legislative body to carry out the CRL, can adopt the City's voting procedures in that the Agency Board can only adopt a procedure that does not conflict with the CRL or usurp the Agency Board's authority to carry out its duties under the CRL. Therefore, we believe that for exactly the same reasons as those given in Paragraph III, above, the Agency Board may adopt the City's voting procedures, if it desires to do so.

If the Agency Board elects to adopt a parallel voting procedure, we propose, for discussion, the following modification to Article III, Section 4 of the Agency Bylaws:

> Section 4. Quorum. The powers of the Agency shall be vested in the members thereof in office from time to time. Five members shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, but a smaller number may adjourn from time to time until a quorum is obtained. *During the period that San Diego Charter sections 275, 280, and 285 are in effect (Strong Mayor form of governance), the Mayor shall have veto powers over actions approved by the members in accordance with the procedures set forth in those sections with the following exception: The Mayor's veto power shall not extend to matters that are exclusively within the purview of the members such as the selection, removal and duties of the Agency officers, members, and personnel under Article II of the bylaws of the Agency.*

As a practical matter, this amendment would allow the Mayor to have input in almost all Agency decisions, including the Agency's budgetary process, as it would provide the Mayor with an opportunity to veto Agency Board decisions subject to enactment over veto, in accordance with the Council's voting procedure.

V. The Agency may only appoint an unclassified "at will" employee of the Mayor to act as its interim Executive Director, subject to Mayoral approval.

Staff has requested an analysis of whether the Agency Board could appoint an unclassified City employee, currently operating under the supervision of the City Manager, to act as interim Executive Director during the period from January 1, 2006, the effective date of the Strong Mayor form of governance, through the completion of the Agency's proposed separation from the City, the form of which has yet to be determined.

As stated in Section IV of the August 4 report to the Committee (see attached Exhibit A for reference), the Board's appointment of the Executive Director is not limited by the CRL or the common law doctrine of incompatible offices, as the CRL leaves the existence of all Agency positions as well as the qualifications of any Agency officer (other than the Board members) entirely up to the discretion of the Agency Board. Rather, the only limitation we identified arises from the San Diego Charter sections 260 and 265, which become effective once the Strong Mayor form of governance takes effect on January 1, 2006.

San Diego Charter section 260(b) provides that the Mayor shall have all executive authority, power, and responsibilities conferred upon the City Manager in Article V, VII, and IX of the City Charter during the period that the Strong Mayor form of governance is in effect. Article V of the San Diego Charter sets forth the executive and administrative duties of the City Manager, including section 28, which provides that all Directors, or heads of the administrative Departments under the Manager shall be immediately responsible to him for the efficient administration of their respective departments, and section 30, which provides that officers and employees in the unclassified service appointed by the Manager may be removed by the Manager at any time, subject to appropriate rules and regulations for dismissal. San Diego Charter section 265(b) provides, in relevant part, that, "[in] addition to exercising the authority, power, and responsibilities formally conferred upon the City Manager as described in section 260(b), the Mayor shall have the following additional rights, powers, and duties: ... (9) Sole authority to dismiss the City Manager without recourse."

Sections 260 and 265 do not limit the Agency Board's powers to appoint the Executive Director, but, taken together, limit the ability of certain City employees, including the City Manager and all unclassified positions existing at the will of the Mayor, to undertake the duties of the Executive Director without the supervision and/or approval of the Mayor. Consequently, if the Agency Board desires to appoint an at will employee of the Mayor to serve as the Executive Director after January 1, 2006, then we recommend that the appointment be effectuated via an Operating Agreement subject to the Mayor's approval (see Paragraph VI, below, for further discussion).

VI. The City Council and Agency Board may not modify the existing Operating Agreement to ensure that classified City employees currently staffing the Agency can continue to staff the Agency under the direction of the Agency Board after January 1, 2006 without the Mayor's approval.

Committee staff members have requested an opinion on whether the City and Agency can modify the existing Operating Agreement wherein the City is providing the

following services to the Agency (see copy of Operating Agreement attached hereto as Exhibit E):

a. A redevelopment staff
b. Necessary accounting services
c. Investment services
d. Purchasing services
e. Building inspection services
f. Legal services
g. Such further services and/or personnel as may be required by the Agency.

At issue are the redevelopment staff positions currently staffed by City's classified employees. The Operating Agreement provides that all services provided by the City to the Agency will be carried out in accordance with the Agency's regulations and policies unless no Agency regulation or policy exists, in which case City regulations and policies shall apply.

The analysis for the service to the Agency by the City's classified employees is analogous to that for the City's unclassified employees under Paragraph V, above. San Diego Charter section 260(b), which becomes affective on January 1, 2006, provides that the Mayor shall have all executive authority, power, and responsibilities conferred upon the City Manager in Article V, VII and IX of the City Charter during the period that the Strong Mayor form of governance is in effect. Article V of the San Diego Charter sets forth the executive and administrative duties of the City Manager, including section 28, which provides that the Manager may prescribe such general rules and regulations as he or she may deem necessary and expedient for the proper conduct of each department. Section 28 further provides that, "[t]he Manager may direct any Department or Division to perform work for any other Department or Division." Consequently, once the Strong Mayor form of governance takes effect on January 1, 2006, the Mayor will assume control over all City classified employees subject only to the express limitations in the San Diego City Charter. As such, Council would be acting outside of its jurisdiction under the Charter to pledge the staffing of the Agency with the City's classified employees, subject to the direction and control of the Agency Board, without the Mayor's approval. Consequently, we propose the following options for consideration: (1) propose the desired amendment to the Operating Agreement after the new Mayor is elected, subject to his or her approval, with an effective date of January 1, 2006; or (2) if the Council members and Agency desire to process an amendment before the new Mayor is elected, then include a provision which would allow the Mayor to terminate the Operating Agreement after January 1, 2006.

VII. Given that the Mayor's separation from the Agency is an unintended consequence of Proposition F, the City Council should adopt a procedure that would allow the Mayor to serve as the Agency Executive Director while the Strong Mayor form of governance is in effect.

As explained in our previous report to the Committee (see attached Exhibit A), Proposition F has essentially removed the Mayor from a direct role in redevelopment unless accorded a role through the discretion of the legislative body. Given this result, we believe that this analysis would be incomplete without (1) highlighting the purpose of Proposition F and its unintended consequence on the Mayor's role in redevelopment and (2) offering a solution to rectify Proposition F's unintended consequence.

1. There is no evidence in either the Charter amendments implementing Proposition F or the voters' pamphlet for Proposition F that the voters intended to remove the Mayor from the operation of the Redevelopment Agency.

Two rules of statutory construction are to ascertain the intent of the legislature to effectuate the purpose of the law and give provisions a reasonable and common sense interpretation consistent with apparent purpose, which will result in wise policy rather than mischief or absurdity. Witkin, Summary of California Law, vol. 7, *Constitutional Law* § 94. (9th ed. 1988) With respect to voter approved legislation, the language of the legislation and the printed voters' pamphlets are generally accepted sources of legislative intent. *California Housing Finance Agency v. Patitucci*, 22 Cal. 3d 171, 177 (1978). With these principals in mind, we turn to the implementing language of Proposition F and the voters' pamphlet for Proposition F to discern the voters' intent.

To implement the Strong Mayor form of governance, Proposition F authorizes the temporary suspension of certain provisions of the City Charter with the concurrent enactment of new provisions to effect the Strong Mayor system during the five-year trial period. Neither the sections of the City Charter that are being removed nor the Strong Mayor replacement sections reference the Mayor's role with respect to redevelopment. Therefore, on its face, the implementing language of Proposition F does not evidence intent to exclude the Mayor from having an executive role for the Agency that is analogous to his or her new role as CEO for the City.

According to the City Attorney's impartial analysis, which was included in the voters' pamphlet, Proposition F would have the following impact:

CITY ATTORNEY'S IMPARTIAL ANALYSIS

> The current San Diego City Charter provides for a Council-Manager form of government. The San Diego City Council is composed of nine members, eight Council members and the Mayor. The Council governs and sets policy for the City. The Mayor is the chief elective officer and the

City Manager is the chief executive officer. The City Manager runs the day-to-day affairs of the City and implements Council policy. The Council has no administrative powers. The Council is forbidden by the Charter's non-interference clause from directing the City Manager's employees.

If adopted, this measure would amend the Charter to suspend certain provisions of the Charter to create a Mayor-Council form of government for a five-year trial period, beginning January 1, 2006, and ending December 31, 2010. Voter action would be required to extend or make this change permanent; otherwise after the December 31, 2010, sunset date, all changes implemented by this measure are repealed and all provisions of the Charter suspended by this measure are revived.

Approval of this measure would remove the Mayor from the Council by providing for an eight-member Council. The eight Council Districts would not be affected by this measure. The Mayor would have the authority to give direction to all City officers and employees, except those in departments and offices recognized in the Charter as being independent, such as the Council offices, City Attorney, Personnel, Retirement, and the Ethics Commission. The Mayor retains the power to veto those resolutions and ordinances adopted by the Council establishing policy. The veto power would not extend to matters of internal governance of the Council or to the application of existing municipal rules to specific decisions of the Council, such as the issuance of land use permits. The Mayor would be responsible for preparing the annual budget for the Council's consideration and adoption. The Council would appoint an Independent Budget Analyst to review and provide budget information to the Council, independent from the Mayor. It would take the affirmative vote of five Council members to take any action, and five votes to override any mayoral veto.

The Council would establish its own rules, elect a presiding officer, establish committees, and set the legislative agenda for the City, including establishing procedures for docketing matters in open session. The Mayor, City Attorney, and presiding officer of the Council would jointly set the agenda for closed session meetings, and, when present, the Mayor would preside over those meetings, but the Mayor would have no right to vote.

The Mayor would appoint the City Manager with Council confirmation. The City Manager would serve at the pleasure of the Mayor. The Mayor would appoint the City Auditor and Comptroller, Police Chief, and Fire Chief, subject to Council confirmation. All other managerial department heads formerly under the City Manager would be appointed by the Mayor and serve at the pleasure of the Mayor. As under the current Charter, the

Mayor would appoint all other members of City Boards and Commissions, subject to Council confirmation.

As can be seen from the language of the impartial analysis, the impact of Proposition F on the Agency was not contemplated. Similarly, the arguments in favor and against Proposition F make no mention of the Mayor's role in or removal from redevelopment. *See* attached copy of the Proposition F voters' pamphlet, attached as Exhibit F. Consequently, there is no evidence from the voters' pamphlet that evidences the voters' intent to empower the Mayor with executive authority for the City but not for the Redevelopment Agency. In fact, the arguments in favor of Proposition F, expressing the intent to "elect a chief executive who is accountable for how the City is run," evidence the voters' intent to elect a Mayor that will assume all of the executive duties held by City Manager, including the position of Executive Director for the Agency. Consequently, we believe that the juxtaposition of CRL upon Proposition F has resulted in the unintended consequence of the Mayor being removed from his or her role in the Agency under the CRL, at the election of the legislative body.

2. To rectify the unintended consequence of Proposition F on the Mayor's role in redevelopment during the time that the Strong Mayor form of governance is in effect, the City should adopt an interim solution by amending the Agency Bylaws to designate the Mayor as Executive Director of the Agency and consider more permanent solutions once the City Council has worked through the proposals for transition of the Agency's administrative structure.

To rectify the unintended consequence of Proposition F on the Mayor's role in redevelopment during the time that the Strong Mayor form of governance is in effect, the City should adopt an interim solution by amending the Agency Bylaws to designate the Mayor as Executive Director of the Agency and consider more permanent solutions once the City Council has worked through the proposals for transition of the Agency's administrative structure.

As explained in Paragraph V of the prior report to the Committee (see Attachment A), the Agency has the discretion to appoint the Mayor as the Executive Director by an amendment to the Agency Bylaws, which must be introduced and adopted at two separate meetings. *See* Agency Bylaws, Article IV. To effect a smooth transition once the Strong Mayor form of governance takes effect, we recommend that the Agency Board consider the amendment at least two docket sessions in advance of January 1, 2005. The resolution authorizing the amendment should provide that the amendment take effect on January 1, 2006.

Once the Mayor is appointed as the Executive Director of the Agency Board through an amendment to the Agency Bylaws, the Council should then consider other solutions to more permanently address the unintended consequence of Proposition F,

particularly in light of the upcoming discussions pertaining to the proposals for Agency transition. *See* copy of attached Report to the Public Safety & Neighborhood Services Committee [PS&NS], dated September 16, 2005, attached as Exhibit G.

One solution would be for the City Council to adopt a procedural ordinance for the exercise of powers under the CRL that would empower the Mayor as the Executive Director of the Agency. Article XI, section 3 of the California Constitution authorizes the adoption of a city charter and provides that such a charter has the force and effect of state law. Article XI, section 5 of the California Constitution affirmatively grants to charter cities supremacy over municipal affairs. Thus, charters act as instruments of limitation on the broad power of charter cities over matters of municipal affairs. *City of Glendale v. Tronsden*, 48 Cal. 2d 93, 98 (1957). A city charter represents the supreme law of a city, subject only to conflicting provisions in the state or federal constitutions and preemptive state law on matters of statewide concern. *Harman v. City and County of San Francisco*, 7 Cal. 3d 150, 161 (1972). In light of these principles and the facts that (1) the Strong Mayor charter sections and the Proposition F voters' pamphlet evidence an express intent to empower the Mayor with CEO powers, (2) the new Strong Mayor charter sections do not limit the Mayor's role in redevelopment, and (3) the CRL accords the Agency Body with discretion in the appointment of officers (see Paragraph V, above), we believe that the City Council could adopt a procedural ordinance to appoint the Mayor as Executive Director of the Agency as long as the Strong Mayor form of governance is in effect. The adoption of such an ordinance would effect the voters' intent in passing Proposition F and rectify the unintended consequence of Proposition F on the Mayor's role in redevelopment.

Another more permanent solution would be to initiate a charter amendment. Because the CRL does not limit a charter city from enacting a charter provision that does not conflict with the CRL and the CRL does not dictate what officers must be appointed by the Agency, we believe that the San Diego City Charter could be amended to require the Mayor to serve as the Executive Director for the Agency analogous to the Strong Mayor provisions that require the Mayor to serve as CEO for the City.[5] The drawback of this permanent solution, however, is that it may remove the Agency's flexibility to adopt an alternative governing structure. For example, under the CRL, the Agency may operate with its current structure or may operate as a Community Development Commission [CDC], which would allow the CDC to operate and govern its community redevelopment agency, or its redevelopment agency and its housing authority under a single operating entity and board. Cal. Health & Safety Code § 34112. Given these considerations, our office will work with the Council members and the Mayor to address more permanent solutions in light of the on-going discussions pertaining to the Agency reorganization post January 1, 2006.

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[5] For example, Charter section 265(b)(1) could be amended to require that the Mayor serve as "Chief Executive Office of the City *and the City of San Diego Redevelopment Agency*."

CONCLUSION

Once the Strong Mayor form of governance takes effect, the City Council acting as the legislative body under the CRL may adopt the City's voting procedures under the Strong Mayor form of governance. Similarly, the Agency Board may adopt the City's voting procedures.

Neither the CRL nor the common law restricts the Agency Board from appointing an Executive Director of its choosing. However, once it takes effect on January 1, 2006, San Diego Charter section 265 will prevent any employee that is "at will" to the Mayor from undertaking a role as the Executive Director without the Mayor's consent and approval. Similarly, the City Council and Agency Board may not pledge the staffing of the Agency with the City's classified employees without the Mayor's approval post January 1, 2006.

In light of our recommended changes to the Agency Bylaws in the August 4 and present reports, we have attached a proposed strikeout version of the Agency Bylaws (attached as Exhibit H) to facilitate the Committee's discussion of the aforementioned issues.

We also recommend that the Agency Board approve an amendment to the Agency Bylaws that would designate the Mayor to be the Agency Executive Director post January 1, 2006 and offer to work with both the Council member and the Mayor to effect a more permanent solution to the unintended consequences of Proposition F.

Respectfully submitted,

MICHAEL J. AGUIRRE
City Attorney

MJA:SYC:amp
Attachments
RC-2005-23

EXHIBIT A

OFFICE OF

THE CITY ATTORNEY

CITY OF SAN DIEGO

Michael J. Aguirre

CITY ATTORNEY

1200 THIRD AVENUE, SUITE 1620
SAN DIEGO, CALIFORNIA 92101-4178
TELEPHONE (619) 236-6220
FAX (619) 236-7215

August 4, 2005

REPORT TO THE STRONG MAYOR
TRANSITION COMMITTEE

LEGAL EFFECT OF PROPOSITION F ON THE CITY OF SAN DIEGO
REDEVELOPMENT AGENCY

INTRODUCTION

On November 7, 2004, City of San Diego [City] voters passed Proposition F, which authorizes a "Strong Mayor" form of governance for a five-year trial period, beginning on January 1, 2006, and ending on December 31, 2010. To implement the Strong Mayor form of governance, Proposition F authorizes the temporary suspension of certain provisions of the City Charter with the concurrent enactment of new provisions to effect the Strong Mayor system during the five-year trial period.[1] The purpose of this report is to address the legal effect of Proposition F on the City of San Diego Redevelopment Agency.

DISCUSSION

I. Once the Strong Mayor form of Governance takes effect, the Mayor will be removed from the City's legislative body and will assume solely executive functions.

The Strong Mayor form of governance contemplates the removal of the Mayor from the Council by providing for an eight versus nine member legislative body. San Diego Charter §§ 250, 270. In accordance with San Diego Charter section 265, the Mayor will have all of the executive authority, power, and responsibilities formerly conferred upon the City Manager, including the following functions:

1. Position of chief executive officer of the City.

2. The enforcement of all laws, ordinances, and policies of the City.

3. The ability to make recommendations for measures and ordinances.

4. The right to attend all legislative meetings.

5. The right to veto actions passed by Council in open session pursuant to San Diego Charter sections 280 and 290.

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[1] The new City Charter sections are 250, 255, 260, 265, 270, 275, 280, 285, 290, and 295. The inoperative City Charter sections are 12(a), 13, 16, 17, 22, 24, 25, and 27.

6. The right to attend and be heard at closed session meetings.

7. The sole authority to appoint the City Manager, subject to Council confirmation.

8. The sole authority to direct and exercise control over the City Manager in managing those affairs of the City under the purview of the Mayor as expressly permitted by the San Diego Charter.

9. The sole authority to dismiss the City Manager without recourse.

10. The sole authority to appoint the City Auditor and Comptroller, subject to Council confirmation.

11. The authority to dismiss the City Auditor and Comptroller, subject to the right of appeal to Council.

12. The authority to appoint members of City boards, commissions, and committees, subject to express City Charter restrictions and Council confirmation.

Consequently, once the Strong Mayor form of governance takes effect on January 1, 2006, the Mayor will be removed from the City's legislative body and assume solely executive functions as the City's Chief Executive Officer [CEO].

II. Once the Strong Mayor form of government takes effect, the Mayor can no longer serve as a member of the Agency Board and the Agency Board will be composed of eight council members.

The Community Redevelopment Law [CRL] (California Health & Safety Code §§ 33000-33855) governs redevelopment activity by public agencies within the state, including charter cities such as the City of San Diego. *Redevelopment Agency v. City of Berkeley*, 80 Cal.App.3d 158, 168-69 (1978) (wherein the court held that such state laws preempt the field, and charter provisions may not conflict with them).

The CRL sets forth the creation, purpose, and operation of "the redevelopment agency" for each public agency desiring to exercise redevelopment powers within its jurisdiction. Cal. Health & Safety Code § 33101.

When the legislative body declares the need for a redevelopment agency in accordance with the CRL, the legislative body may establish itself as the redevelopment agency, or it may establish a separate redevelopment agency comprised of resident electors of the community. Cal. Health & Safety Code §§ 33003, 33110, 33200. The legislative body means "the city council, board of supervisors, or other legislative body of the community." Cal. Health & Safety Code § 33007.

When the legislative body declares itself to be the redevelopment agency, as the City Council did pursuant to Resolution No. 147378, on May 6, 1958 (Attachment A), the legislative body becomes the governing board of the redevelopment agency (hereinafter referenced as the Agency Board). Cal. Health & Safety Code § 33200(a). All of the "rights, powers, duties, privileges and immunities," vested by the CRL in the Agency Board, except as specifically limited by the CRL, then vest in the legislative body of the community. *Id.* Consequently, while the Agency Board is currently composed of the eight council members and the Mayor, once the Strong Mayor form of governance takes effect on January 1, 2006, the Mayor will no longer be vested with the rights, powers, duties, privileges and immunities vested by the CRL. This means that the Mayor will no longer be a member of the legislative body and cannot be a member of the Agency Board. The change will occur by operation of the CRL, with or without an amendment to the Agency bylaws.

III. To the extent that the Agency bylaws conflict with the CRL once the Strong Mayor form of governance takes effect, the Agency Board should revise the by-laws.

In accordance with the CRL, the Agency Board may "make, amend, and repeal" bylaws and regulations not inconsistent with, and to carry into effect, the purposes of the CRL. Cal. Health & Safety Code § 33125(d). The Agency's first set of bylaws were adopted by the Agency Board on April 29, 1969, via Resolution No. 1 (Attachment B). Article II, section 1 designated the Chairman, Vice Chairman, and Executive Director as officers of the Agency. Article II, section 6 provided for the election of the Chairman and Vice Chairman at regular meetings from among the members of the Agency. That section also provided for the appointment of the Executive Director and included a separate clause that "[t]he members of the Agency are and shall be and act as members only so long as they are members of the City Council." Article II, section 7 of the original bylaws also provided that "[s]hould the offices of the Chairman or Vice Chairman become vacant, the Agency shall elect a successor from its membership at the next regular meeting. When the office of the Executive Director becomes vacant, the Agency shall appoint a successor as provided in section 6...." By a separate companion resolution, Resolution No. 5, dated April 29, 1969 (Attachment C), the Agency Board then designated the Mayor as the elected Chairman, the Deputy Mayor as the elected Vice Chairman, and the City Manager or his designee as the appointed Executive Director.

The Agency bylaws were amended by Resolution No. 30, on September 15, 1970, Resolution No. 121, on June 5, 1973, and most recently by Resolution No. 217, on March 3, 1975 (Attachment D). This version is still current as of the date of this writing. The most significant change for the purposes of this analysis is that the following City Offices were permanently designated as Agency Offices in Article II, section 1 of the bylaws:

City Office	Agency Office
Mayor	Chairman
Deputy Mayor	Vice Chairman
Council Members	Board Members
City Attorney	General Counsel
City Clerk	Secretary
City Auditor	Auditor
City Treasurer	Treasurer

Additionally, the election/appointment and vacancy provisions in Article II, sections 6-7 of the original bylaws were completely excised. Once the Strong Mayor form of governance takes effect on January 1, 2006, the bylaws will be in conflict with the CRL to the extent that the Mayor and Deputy Mayor, as former members of the legislative body, were assigned permanent offices as Chairman and Vice Chairman of the Agency Board, respectively, and there are no provisions for replacement of the vacant Chairman and Vice Chairman offices.[2] Consequently, Article II, section 1 of the Agency bylaws should be modified to remove the references to the Mayor and Deputy Mayor as Chairman and Vice Chairman, respectively, and, if the Agency Board desires to keep the offices of the Chairman and Vice Chairman, to adopt an election/vacancy process similar to Article II, sections 6-7 of the original bylaws.

The above recommended bylaw changes should become effective on January 1, 2006, the date that the Strong Mayor form of government takes effect. Pursuant to Article IV, the Agency bylaws shall be amended only with the approval of a majority of the members of the Agency when a quorum of five members is in attendance at a regular or special meeting, which means that a minimum of five votes is required to amend the Agency bylaws.[3] That section also provides that amendments to the bylaws shall not be introduced and adopted at a single meeting.

IV. Once the Strong Mayor form of governance takes effect, the City Manager's position as Executive Director will conflict with San Diego charter section 265.

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[2] The Deputy Mayor's position, currently authorized by San Diego Charter section 25, will be removed once San Diego Charter section 265 takes effect on January 1, 2006.

[3] With the recent three vacancies of the Board (consisting of the Mayor and two Council members), only six voting members of the Board remain. Under similar circumstances, our Office has opined that the number of voting offices, versus the presence of members filling the offices, determines what vote is required to pass an action requiring a majority vote of the members. Consequently, even with three vacancies, five votes are still required to pass an action requiring a majority vote of the members, assuming the offices are comprised of nine members (pre-Strong Mayor) or eight members (post-strong Mayor). *See* 1968 Op.City Att'y 278 (Attachment E).

San Diego Charter section 265 provides, in relevant part, as follows: "In addition to exercising the authority, power, and responsibilities formally conferred upon the City Manager as described in section 260(b), the Mayor shall have the following additional rights, powers, and duties: (9) Sole authority to dismiss the City Manager without recourse." Consequently, once the Strong Mayor form of governance takes effect, the City Manager will become an "at will" employee of the Mayor.

In accordance with the CRL, the Agency may select, appoint, and employ such permanent or temporary officers, agents, counsel and employees as it requires, subject only to the conditions and restrictions imposed by the legislative body on the expenditure or encumbrance of the budgetary funds appropriated to the community redevelopment agency administrative fund. Cal. Health & Safety Code § 33126(a). Pursuant to this discretionary authority, the Agency has appointed the City Manager as Executive Director to supervise the Agency's administrative functions. Article II, section 1 of the Agency bylaws provides, in relevant part, as follows: "The Executive Director or Directors shall be the City Manager and/or such other persons as may be designated by the Agency." Article II, section 4, of the Agency bylaws provides, in relevant part, as follows: "The Executive Director shall have general supervision over the administration of the business and affairs of the Agency subject to the direction of the Agency." Consequently, under the existing Agency bylaws, the City Manager is subject to the Agency Board's authority with respect to supervising the Agency's administrative functions.

The Agency may also contract with any other agency for staff services associated with or required by redevelopment, which could be performed by the staff of such agency (Cal. Health & Safety Code § 33126(b)) or utilize the services and facilities of the planning commission, the city engineer, and the departments and offices of the community (Cal. Health & Safety Code § 33128). In light of this authority under the CRL, the Agency and City entered into an operating agreement on April 10, 1975, whereby the City agreed to act as the Agency's agent with respect to land acquisition, relocation, demolition, construction and consultant services, and to provide all administrative services and staffing for the Agency [Agreement]. The Agreement was modified by a First Amendment, via Resolution No. R-278441, on July 30, 1991 (Attachment F). The amended version of the Agreement is still current as of the date of this writing. Consequently, the City Manager is currently empowered to jointly supervise the administrative services of both the City and Agency.

Once the Strong Mayor form of governance takes effect, however, the Mayor will supervise the City Manager and all City departments, including those departments providing services to the Redevelopment Agency. San Diego Charter § 265. Consequently, except as empowered by the Mayor, the City Manager will no longer have the authority to supervise the City departments providing employees and services to the Agency, and the City Manager's authority under San Diego Charter section 265 will conflict with his authority as Executive Director under the Agency bylaws. This conflict with San Diego Charter section 265 should be

addressed before January 1, 2006, the date that the Strong Mayor form of governance takes effect.

V. Because the Executive Director's position is not a public office, the Agency has discretion to designate the Mayor as the Executive Director.

In light of the conflict between the City Manager's role under the Strong Mayor form of governance and his current role as Executive Director of the Agency, we recommend one of the following options: (1) designation of a person other than the Mayor or City Manager to act as Executive Director, (2) designation of the Mayor as the Executive Director in lieu of the City Manager, or (3) designation of the Mayor as the Chief Executive Officer (which will require an amendment to the bylaws) with supervisory authority over the City Manager as the Executive Director.[4] The latter option was adopted by the City of Oakland when Oakland adopted its Strong Mayor form of government in 1998 (see Oakland's revised bylaws in Attachment G).

At a recent meeting of the City's Public Safety and Neighborhood Services Committee [PS&NS], a speaker asserted that the strong mayor position will be incompatible with the position of Agency Executive Director. Because there is no statute that restricts a strong mayor from assuming the office of Executive Director, we will address this issue under the common law doctrine of incompatible offices.

The common law doctrine of incompatible offices is based upon the consideration that two public offices cannot be held by one person if, due to the conflicting nature of the offices, the public interest will be detrimentally impacted. *People ex rel. Chapman v. Rapsey*, 16 Cal.2d 636 (1940). The rule and its application are summarized in the California Municipal Law Handbook, section 2.3.15 (B), as follows:

> Offices are incompatible, *in the absence of statutes suggesting a contrary result*, if any significant clash of duties exists between the two offices, if the dual office holdings would be improper for reasons of public policy, or if either officer exercises a supervisory, auditory or removal power over the other.

Cal. Municipal Law Handbook, *Ethical Considerations and Conflicts of Interest* §§ 2.3.15(B)(1)(2004), citing *Rapsey*, 16 Cal. 2d. at 640-44 (emphasis added).

If the two offices are incompatible, "the mere acceptance of the second incompatible office *per se* terminates the first office as effectively as a resignation." *Rapsey*, 16 Cal. 2d. at 644.

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[4]An amendment of the bylaws is not required for Options (1) or (2) because Article II, section 1 already allows an alternative designation of the Executive Director's position.

Under the doctrine of incompatible offices, the first issue to consider is whether the two positions are public offices. Whether a position is a public office depends upon the following:

> [T]he power granted and wielded, the duties and functions performed, and other circumstances which manifest the nature of the position and mark its character, irrespective of any formal designation. But so far as definition has been attempted, a public office is said to be the right, authority, and duty, created and conferred by law--the tenure of which is not transient, occasional, or incidental--by which for a given period an individual is invested with power to perform a public function for public benefit.

Rapsey at 639.

"The incumbent of an office is clothed with some part of the sovereignty of the state to be exercised in the interests of the public and as required by law." *Bear River Sand & Gravel Corp. v. Placer*, 118 Cal. App. 2d 684, 691 (1953)(county road commissioner is a public officer); *see also Humbert v. Castro Valley County Fire Protection Dist.*, 214 Cal. App. 2d 1, 12 (1963)(fire district captain responsible for discipline and maintenance of equipment is public officer); *People v. Hulbert*, 75 Cal. App. 3d 404, 409 (1977)(deputy sheriff is a public officer).

The Strong Mayor position is a public office because authorized by statute. San Diego City Charter § 265. However, the position of Executive Director is not likely to be considered as a public office because the Executive Director's position is not required by statute. The CRL allows the agency to perform the following:

> [S]elect, appoint, and employ such *permanent and temporary officers*, agents, counsel, and employees as it requires, and determine their qualifications, duties, benefits, and compensation, subject only to the conditions and restrictions imposed by the legislative body on the expenditure or encumbrance of the budgetary funds appropriated to the community redevelopment agency administrative fund.

Cal. Health & Safety Code § 33126(a) (emphasis added).

Furthermore, in lieu of designating an Executive Director to supervise the administrative functions of the Agency, the Agency could utilize the "Department of Housing or and Community Development, or any other agency, for the furnishing by the department, or agency, of any necessary staff services associated with or required by redevelopment and which could be performed by the staff of an agency." Cal. Health & Safety Code § 33126(b). Additionally, the Executive Director is not authorized by the Agency bylaws to exercise any sovereign powers independently of the Agency Board. *See, e.g.*, Article II, section 4 of the Agency Bylaws.

We could not find any California case law on the exact issue of whether a strong mayor could hold the office of executive director of a redevelopment agency, however, the California Attorney General's [AG's] Office has considered an analogous situation pertaining to the positions of the executive director of a county housing commission and a county housing authority commissioner. In that opinion, the AG's Office opined that a county supervisor could be employed by the county housing authority commission to serve as its secretary and executive director because the secretary and executive director position was not a public office. 81 Ops. Cal. Atty. Gen. 274, 275-76 (1998). The situation is analogous because the California Housing Authorities Law [HAL], like the CRL, authorized the county to create a housing authority to carry out the state's purpose of providing low income housing and also empowered the housing authority with the discretion to hire officers "as it requires." *Id.* at 275. Consequently, we believe that the common law doctrine of incompatibility does not apply and the appointment of the (strong) Mayor as Agency Executive Director is a policy choice.

CONCLUSION

Once the Strong Mayor form of Governance takes effect, the Mayor can no longer serve as a member of the Agency Board because he or she will no longer be a member of the legislative body. The Agency Board will, therefore, be composed of eight council members.

To the extent that the Agency bylaws conflict with the CRL once the Strong Mayor form of governance takes effect, the Agency Board should revise the conflicting bylaws. Our office recommends the insertion of provisions similar to those adopted in Article II, sections 6-7 of the original bylaws. The changes to the bylaws should become effective on January 1, 2006.

Furthermore, to the extent that the a conflict arises between the City Manager's duties as subordinate to the Strong Mayor and his duties as Executive Director under Article II, sections 1 and 4 of the Agency bylaws, we recommend an alternative designation of the Executive Director or an amendment to the bylaws to allow for designation of the Mayor as CEO with supervisory authority over the City Manager as Executive Director.

Respectfully submitted,

MICHAEL J. AGUIRRE, City Attorney

By

Susan Y. Cola
Deputy City Attorney

MJA:SYC:amp
Attachments
RC-2005-

COPY VS

FIRST AMENDED AGREEMEMT

THIS FIRST AMENDED AGREEMENT is made by THE CITY OF SAN DIEGO, a municipal corporation, herein called "City," and the REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, herein called "Agency"

RECITALS

A. City desires Agency to take all necessary steps to implement redevelopment in the City.

B. City desires to furnish management and administrative services to Agency to carry out the redevelopment activities.

C. It is the intent of this agreement to take advantage of the efficiencies of having the City act as agent for the Agency to the extent allowed by law for purposes of expediting redevelopment activities such as, but not limited to, land acquisition, relocation, demolition, construction and consultant services.

D. This first amended agreement amends the original agreement, which was approved by City on April 10, 1975 and by Agency on March 3, 1975, and which is on file in the Office of the City Clerk as Document No. 750851 and in the Office of the Secretary to the Redevelopment Agency as Document No. 318.

NOW, THEREFORE, in consideration of the recitals and the mutual obligations of the parties as herein expressed, City and Agency agree as follows:

DOCUMENT NO. 1845
FILED JUL 30 1991
OFFICE OF THE REDEVELOPMENT AGENCY
SAN DIEGO, CALIF

R1992

DOCUMENT NO. RR-278441
FILED JUL 30 1991
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

1. City will provide whatever management and administration is requested by Agency to carry out any redevelopment plan adopted by City for any project, pursuant to the California Community Redevelopment Law, Health and Safety Code, Section 33000 et seq.

2. Services to be rendered by City to Agency shall include but not be limited to providing the following:

a. A redevelopment staff.

b. Necessary accounting services.

c. Investment services.

d. Purchasing services.

e. Building inspection services.

f. Legal services.

g. Such further services and/or personnel as may be required by Agency.

All services provided by City to Agency will be carried out in accordance with Agency's regulations and policies unless no Agency regulation or policy exists, in which case City regulations and policies shall apply. This provision shall not apply to the Centre City Development Corporation or the Southeast Economic Development Corporation.

3. The City, as agent for the Agency, may let contracts for implementation of any Redevelopment Project and shall carry through on such contracts to completion. Such contracts may include but not be limited to contracts for construction of improvements, demolition of structures, consultant services,

design services and audit services. Agency hereby authorizes the City Auditor (who also acts as auditor for the Agency) to encumber Agency funds sufficient to cover costs incurred and payments made by City in connection with such contracts. City shall let contracts by following standard City procedures for consultant selection, competitive bidding or other practices as appropriate. The contracts shall be administered and the work shall be performed in accordance with City standards in substantially the same manner and upon the same conditions as are normally followed by City. The City Auditor is hereby authorized to release such amounts of Agency funds as City requires to meet payments on the contracts a reasonable time prior to the time when such payments are due.

4. The City shall submit a statement of expenses to Agency on a periodic basis for services rendered under paragraphs 2, and 3 herein. Non-personnel expenditures which are necessary for City to carry out redevelopment activities on behalf of Agency may be billed directly to the Agency. Non-personnel expenditures shall include but not be limited to office supplies, postage, equipment, travel and training, mileage and printing costs. If budgeted non-personnel costs are pro-rated among projects, the City Auditor shall approve the basis for pro-ration.

Agency shall retain the right to inspect the appropriate accounts of City regarding expenses incurred under paragraphs 2 and 3.

5. Agency agrees to take any and all necessary steps in order to implement Redevelopment Projects.

6. In carrying out the intent of this agreement, City, while involved in the management and administrative duties occasioned by this agreement, shall be deemed agent of Agency and not an independent contractor.

7. This first amended agreement shall commence upon execution hereof by City and by Agency, and shall continue in effect until terminated by either party by thirty (30) days' written notice of terminations to the other party.

IN WITNESS WHEREOF, this first amended agreement is executed by the City of San Diego, acting by and through its City Manager, pursuant to Resolution No. R-278441 authorizing such execution and by the Executive Director of the Redevelopment Agency of the City of San Diego, pursuant to Redevelopment Agency Resolution No. R-1992.

THE CITY OF SAN DIEGO

By _____
James L. Spotts
Property Director

REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO

By _____
Maureen A. Stapleton
Deputy Executive Director

I HEREBY APPROVE the form and legality of this foregoing agreement this 19th DAY OF August, 1991.

JOHN W. WITT, City Attorney

By _____
Allisyn L. Thomas, Deputy

R-278441

EXHIBIT B

Table of Redevelopment Decisions

Action	Decision Maker	Cal. Health & Safety Code
Creation of Agencies		
Declaration of Need for Redevelopment Agency to Function in the Community	Legislative Body Ordinance Subject to Referendum	§33101
File a Copy of Declaration of Need Ordinance with the County Clerk	Agency	§33102
Appointment, Compensation and Removal of Agency Members		
Appointment of Agency Members[1]	Mayor or Chairman of the Board of Supervisors with Approval of Legislative Body	§33110
Increase to Seven the Number of Agency Board Members	Legislative Body Ordinance	§33110
Appointment of Chairman of Agency Board	First by Appointing Officer, Thereafter by Agency Vote	§33113
Removal of Agency Member[2]	Appointing Officer	§33115
General Powers of Agencies		
Power to Sue and be Sued, Have a Seal, Make and Execute Contracts Necessary or Convenient to the Exercise of its Powers, Make, Amend, and Repeal Bylaws and Regulations	Agency	§33125
Keep Records of Proceedings	Agency	§33125.5
Select, Appoint and Employ Permanent and Temporary Officers, Agents, Counsel, and Employees as it Requires	Agency	§33126
Obtain, Hire, Purchase, or Rent Office Space, Equipment, Supplies, Insurance, or Services	Agency	§33127
Authorize and Pay Travel Expenses	Agency	§33127
Prepare and Carry Out Plans for the Improvement, Rehabilitation, and Redevelopment of Blighted Areas, Disseminate Redevelopment Information	Agency	§33131
Apply for Federal Programs and Grants and Carry Out Such Programs	Agency at the Request of Legislative Body	§33131
Insure Agency Operations	Agency	§33134
Provide Relocation Assistance to Persons Displaced by Government Actions	Agency with the Approval of Legislative Body	§33135

Table of Redevelopment Decisions (Continued)

Action	Decision Maker	Cal. Health & Safety Code
Suspension and Dissolution of Agency		
Declaration That There is No Further Need for the Agency[3]	Legislative Body Ordinance	§33140
Order the Deactivation of the Agency	Legislative Body Ordinance Following Motion or Agency Recommendation	§33141
Filing of Ordinance Suspending or Dissolving Agency with the Secretary of State	Legislative Body	§33142
Legislative Body as the Agency		
Declaration of Legislative Body as the Agency[4]	Legislative Body Ordinance	§33200
Creation of Community Redevelopment Commission after Declaring Legislative Body as the Agency	Legislative Body Ordinance	§33201
Determination that Legislative Body Shall No Longer Function as an Agency[5]	Legislative Body Motion	§33203
Authorization to Delegate Powers or Functions to a Community	Agency	§33204
Contracts for staff services	Legislative Body	§33206
Redevelopment Procedures and Activities		
Designation of a Survey Area	Legislative Body Resolution[6]	§33310
Selection of Project Area and Formulation of Preliminary Plans	Planning Commission[7]	§33322
Preparation of Redevelopment Plans	Agency	§33330
Exclusion of Land Based on Report from Planning Commission	Agency	§33350.5
Submission of Plan, Report to Legislative Body	Agency	§33352
Alternative Procedures for a Joint Public Hearing by the Agency and the Legislative Body	Consent of Agency and Legislative Body	§33355
Joint Approval of Plan, Submission to Legislative Body	Agency	§33357

Table of Redevelopment Decisions (Continued)

Action	Decision Maker	Cal. Health & Safety Code
Redevelopment Procedures and Activities (Cont.)		
Change of Plan or Boundaries	Legislative Body[8]	§33363.5
Adoption of Redevelopment Plan	Legislative Body Ordinance	§§33364-33366
Approval of Contracts Relating to Redevelopment Plan	Legislative Body[9]	§33371
Formation of Project Area Committee	Legislative Body Resolution	§33385
Proper Acquisition of Real Property	Agency	§33391
Relocation of Persons Displaced by Projects Using Federal Aid and Public and Private Finds	Agency[10]	§33410
Demolition, Clearance, Project Improvements, and Site Preparations	Agency	§33420
Small Business Development	Agency	§33427
Dispose Property Within Survey Area, Generally	Agency[11]	§33430
Sale or Lease of Property Acquired with Tax Increment Monies Under Redevelopment Plan	Legislative Body Resolution[12]	§33433
Sale or Lease of Property Acquired with Redevelopment Revolving Fund	Legislative Body Resolution	§33434
Payment for Value of Land and Construction of Buildings	Agency with Legislative Body Consent[13]	§33445
Amendment of Redevelopment Plans	Leg. Body Ordinance After Agency Recommendation	§33450
Hazardous Substance Release Cleanup	Agency	§33459.1
Merger of Project Areas	Leg. Body Ordinance After Agency Recommendation[14]	§33485
Adoption of Implementation Plans	Agency	§33490
File or Maintain Action Regarding Interpretation or Enforcement of a Written Agreement	Agency	§33515
Accept Financial or Other Assistance from Public or Private Source	Agency	§33600
Borrow Money from Federal Government or Public Agency or Issue Bonds through a Private Lending Institution	Agency	§33600

Table of Redevelopment Decisions (Continued)

Action	Decision Maker	Cal. Health & Safety Code
Redevelopment Procedures and Activities (Cont.)		
Adopt Annual Budget, Amend Budget	Agency with Legislative Body Approval[15]	§33606
Make Payments from Increment Funds to Water Suppliers	Agency	§33607.8
Redevelopment Agency Administrative Fund		
Appropriation of Funds to the Agency	Legislative Body	§33610
Submit Proposed Budget to Legislative Body	Agency	§33611
Adopt Agency's Annual Budget and Provide Conditions and Restrictions on Expenditure	Legislative Body	§33612
Submit Financial Reports to Legislative Body	Agency	§33615
Redevelopment Revolving Fund		
Establish a Redevelopment Revolving Fund	Legislative Body Resolution	§33620
Appropriation of Bond Issue to Redevelopment Revolving Fund	Legislative Body	§33621
Expenditure of Revolving Fund Monies	Legislative Body Resolution Adopted by Majority Vote	§33622
Revolving Fund Money Paid to Agency for Specified Purposes	Legislative Body Resolution Adopted by Two-Thirds Vote	§33623
Abolition of Redevelopment Revolving Fund and Withdrawal of Revolving Fund Monies	Legislative Body with Consent of Agency	§33626
Community Appropriations and General Obligation Bonds		
Authorization of Community Appropriations and General Obligation Bonds	Community and Legislative Body	§33630
Enter Into Agreement to Sell General Obligation Bonds	Agency and Legislative Body	§33631
Agency Bonds		
Issue of Agency Bonds	Agency Subject to Approval of Legislative Body	§33640
Authorization of Bonds by Resolution, Trust Indenture, or Mortgage	Agency	§33645
Powers to Pledge Revenues, Encumber Property, Form Certain Covenants, Use and Maintain Real Property	Agency	§§33651-33657

Table of Redevelopment Decisions (Continued)

Action	Decision Maker	Cal. Health & Safety Code
Agency Bond (Cont.)		
Repurchase of Bonds for Cancellation	Agency with Legislative Body Resolution[16]	§33664
Special Housing and Renewal Agencies		
Designation of Renewal Area, Submission of Petition to Legislative Body	Signed by 20 Percent of Residing Within Area	§33704
Approve the Formation of a Renewal Area Agency	Legislative Body Resolution Following Commission Report	§33706
Invite Development Proposals	Renewal Area Agency	§33713(a)
Suspension of Local Building Code Provisions in a Renewal Area	Legislative Body Ordinance	§33713(b)
Lease or Rent, Acquire, Own, Insure, and Dispose of Real and Personal Property	Renewal Area Agency	§33714
Approve or Reject Reports and Recommendations from Renewal Agency	Planning Commission	§33717
Acquisition of Property Necessary to Project	Renewal Area Agency	§33719
Exercise the Power of Eminent Domain	Legislative Body Resolution of Necessity[17]	§33720
Mortgage or Encumber Real Property, except as below	Renewal Agency with Legislative Body Consent	§33725
Reorganization, Winding Up or Dissolution	Not without Approval of Legislative Body	§33726
Dissolution or Transfer of Assets	Renewal Agency with Legislative Body Consent	§33727
Make Any Guaranty	Not without Approval of Legislative Body	§33728
Power to Borrow Money and Mortgage Property	Renewal Area Agency	§33730
Approve or Reject Reports and Recommendations from Planning Commission, Imposition of Further Condition	Legislative Body	§33731
Authorize Renewal Area Agency Bond Issue to Finance Actual Cost of Plans	Legislative Body	§33732
Pledge Increase in Property Tax Assessment Base to the Repayment of Indebtedness	Requires Approval of Legislative Body	§33736
Receive Two-Year Conveyances of Property	Renewal Area Agency	§33737

Table of Redevelopment Decisions (Continued)

Action	Decision Maker	Cal. Health & Safety Code
Redevelopment Construction Loans		
Issuance of Tax-Exempt Revenue Bonds for Nonprofit Organizations for the Building of Multifamily Rental Housing, Related Commercial Property, and Related Expenses	Agency	§§33740-33746
Determine the Location and Character of Any Residential Construction Financed With Redevelopment Construction Loans	Agency	§33760
Provide Financing for Residential Construction of Multifamily rental Units Outside a Redevelopment Project Area	Agency	§33760
Issue Revenue Bonds for the Purpose of Financing Residential Construction	Agency	§33761
Ensure that Rental Units Required to be Reserved for Occupancy for Low- and Very Low Income Households, When Refunding Revenue Bonds	Agency	§33761.5
Establish Limitations Respecting Fees, Charges, and Interest Rates to be Used by Qualified Mortgage Lenders for Financing Residential Construction	Agency	§33762
Employ Necessary Technical Staff and Pay the Reasonable Costs of Consultants	Agency	§33764
Acquire Real or Personal Property, Structures, Rights, Rights-of Way, Franchises, Easements, and Other Interests in Lands.	Agency	§33767
Lease, Sell or Dispose of Property in Such Manner and May Be Necessary or Desirable	Agency	§33767
Require That Residences Constructed with Redevelopment Construction Loans Be Open to All Regardless of Race, Color Religion National Origin or Ancestry	Agency	§33769
Require Contractors and Subcontractors to be Equal Opportunity Employers	Agency	§33769
Issue Negotiable Revenue Bonds of the Purpose of Making Loans to Qualified Mortgage Lenders, to Finance Residential Construction	Agency	§33775

Table of Redevelopment Decisions (Continued)

Action	Decision Maker	Cal. Health & Safety Code
Redevelopment Construction Loans (Cont.)		
Posses the Power to Purchase its Revenue Bonds	Agency	§33779
Issue Revenue Bonds of the Agency for the Purpose of Refunding Any Outstanding Bonds	Agency	§33782
Enter Into Loan Agreements with Any Participating Party Relating to Residential Construction	Agency	§33791
Special Assessments		
At Times Where Insufficient Tax Revenues Are Allocated to Agency, File a Report[18] with the Legislative Body, Requesting the Formation of a Special Assessment Area	Agency	§33821
Adopt a Resolution of Intent to Form a Special Assessment Area and to Levy Special Assessments on Properties Located Therein[19]	Legislative Body Resolution	§33823
Confirm, Modify or Correct Agency Report in Response to Written Protests	Legislative Body Resolution	§33836
File an Annual Report with Legislative Body Pertaining to Special Assessment Areas	Agency	§33837
Take Action Responding to Annual Report on Special Assessment Area	Legislative Body	§33838
Community Redevelopment Financial Assistance and Disaster Project Law		
Plan, Adopt and Implement a Redevelopment Plan, as Approved by Legislature, for a Project in a Disaster Area	Agency	§34004
Determine That a Disaster Area Project Requires the Delayed Application of CEQA Provisions	Agency	§34005
Community Development Commission		
Delegation of Powers to a Community Development Commission	Legislative Body	§34112
Declares the Need of a Community Development Commission to Transact Business	Legislative Body Ordinance	§34115

Table of Redevelopment Decisions (Continued)

Action	Decision Maker	Cal. Health & Safety Code
Community Development Commission (Cont.)		
Declares the Need of a Commission to Function as a Redevelopment Agency Only or as a Redevelopment Agency and Housing Authority	Legislative Body Ordinance	§34115.5
Declares Itself to be the Commission, After a Declaration of Need	Legislative Body Ordinance	§34120
Create a Community Development Committee After Declaring Itself to be the Commission	Legislative Body Ordinance	§34120.5
Determine That it Shall No Longer Function as a Commission, after Declaring Itself To be the Commission	Legislative Body Resolution	§34121

[1] Subject to the Cal. H&S Code §33010 procedural requirements; §33011 incompatibility prohibitions; and §33012 term requirements. See also alternate procedure at §33200 for Declaring Legislative Body as the Agency.
[2] Subject to Cal. H&S Code §33115 procedural requirements.
[3] Pursuant to Cal. H&S Code §33140 requirements.
[4] Subject to public hearing and other requirements listed in Cal. H&S Code §33200.
[5] Following this Motion, the Mayor with approval of Legislative Body shall appoint five members of community to the Agency, and the community redevelopment commission, if any, shall no longer function, pursuant to Cal. H&S Code §33203.
[6] Or planning commission as authorized by legislative resolution
[7] Planning Commission shall select areas, on its own motion, at the request of the agency, at the direction of the legislative body, or upon a written petition.
[8] Boundary change limited to exclusion of land. Planning commission may make recommendation.
[9] Legislative body may require the agency to submit contracts for approval.
[10] And if requested, review by the Department of Housing and Community Development.
[11] Legislative body approval required if acquired property is to be sold or leased by the agency, See Cal. H&S Code §33434 (requiring ordinance). Agency rehabilitations must be reported to Legislature pursuant to Cal. H&S Code §33444. Payment for land or buildings publicly owned requires legislative approval pursuant to Cal. H&S Code §33445, see also §33608, regarding Legislative Approval in charter cities.
[12] Cal. H&S Code §33433(b) specifies that a resolution be adopted by a majority vote, unless the legislative body has provided by ordinance for a two-thirds vote for that purpose.
[13] See Cal. H&S Code §33445 for criteria of legislative body determination.
[14] Project areas may be merged pursuant to Article 12 (commencing with §33450).
[15] "When the legislative body is not the redevelopment agency, the legislative body shall approve the annual budget and amendments of the annual budget of the agency" Cal. H&S Code §33606.
[16] Unless legislative body has designated itself as the redevelopment agency, see Cal. H&S Code §33664(a)(2).
[17] Satisfying requirements of Article 2 (commencing with Section 1245.210) od Chapter 4 of Title 7 of Part 3 of the Cal. Code of Civ. Pro.
[18] Pursuant to Cal. H&S Code §33822 reporting requirements.
[19] Pursuant to Cal. H&S Code §§33824-33835.5 resolution and due process requirements.

EXHIBIT C

Current as of 3/3/75

BYLAWS OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO

ARTICLE I - THE AGENCY

Section 1. Name of Agency. The name of the Agency shall be the "Redevelopment Agency of The City of San Diego."

Section 2. Seal of Agency. The seal of the Agency shall be in the form of a circle and shall bear the name of the Agency and the year of its organization.

Section 3. Office of Agency. The office of the Agency shall be at such place in the City of San Diego, California, as the Agency may from time to time designate by resolution.

ARTICLE II - OFFICERS

Section 1. Officers, Members and Personnel. Officers, members and personnel of the Agency are as follows:

City Positions	Agency Positions
Mayor	Chairman
Deputy Mayor	Vice Chairman
Council Members	Board Members
City Attorney	General Counsel
City Clerk	Secretary
City Auditor	Auditor
City Treasurer	Treasurer

The Executive Director or Directors shall be the City Manager and/or such other persons as may be designated by the Agency. The duties of General Counsel, Executive Director, Secretary, Auditor and Treasurer shall be performed by said persons or their authorized designees or deputies.

Section 2. Chairman. The Chairman shall preside at all meetings of the Agency. Except as otherwise authorized by resolution of the Agency, the Chairman shall sign all contracts, deeds and other instruments made by the Agency. At each meeting, the Chairman shall submit such recommendations and information as he may consider proper concerning the business, affairs and policies of the Agency.

Section 3. Vice Chairman. The Vice Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman.

Section 4. Executive Director, Secretary, Treasurer and Auditor. The Executive Director shall have general supervision over the administration of the business and affairs of the Agency subject to the direction of the Agency.

The Secretary shall keep the records of the Agency, shall act as secretary of the meetings of the Agency, and record all votes, and shall keep a record of the proceedings of the Agency in a journal of proceedings to be kept for such purpose, and shall perform all duties incident to his office. He shall keep in safe custody the seal of the Agency and shall have power to affix such seal to all contracts and instruments authorized to be executed by the Agency.

The Treasurer shall have the care and custody of all funds of the Agency and shall deposit the same in the name of the Agency.

The Auditor shall sign all orders and checks for the payment of money and shall pay out and disburse such moneys under the direction of the Agency. He shall keep regular books of accounts showing receipts and expenditures and shall, upon request, render to the Agency an account of his transactions and also of the financial condition of the Agency.

Section 5. Additional Duties. The officers of the Agency shall perform such other duties and functions as may from time to time be required by the Agency or the bylaws or rules and regulations of the Agency.

Section 6. Additional Personnel. The Agency through its Executive Director may from time to time employ such personnel as it deems necessary.

ARTICLE III - MEETINGS

Section 1. Regular Meetings. Regular meetings shall be held without notice at such time and place as may from time to time be determined by resolution of the Agency. In the event a day of regular meeting shall be a

legal holiday, said meeting shall be held on the next succeeding business day. Any regular meeting may be adjourned to a date and hour certain.

Section 2. Special Meetings. The Chairman of the Agency may, when he deems it expedient, and shall, upon the written request of two members of the Agency, call a special meeting of the Agency for the purpose of transacting any business designated in the call. The call for a special meeting shall be mailed to each member of the Agency at his business or home address at least forty-eight (48) hours prior to the date of such special meeting. At such special meeting no business shall be considered other than as designated in the call. Such written notice may be dispensed with as to any member who has filed with the Executive Director of the Agency a written waiver of notice.

Section 3(a). Meetings Open. All of the meetings of the Agency shall be open to the public, whether regular or special.

Section 3(b). Executive Sessions. Nothing contained in this Article shall be construed to prevent the Agency from holding executive sessions under the provisions of the Ralph Brown Act, as amended, during a regular or special meeting.

Section 4. Quorum. The powers of the Agency shall be vested in the members thereof in office from time to time. Five (5) members shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, but a smaller number may adjourn from time to time until a quorum is obtained. When a quorum is in attendance, action may be taken by the Agency upon a vote of a majority of the Agency members.

Section 5. Order of Business. At the regular meetings of the Agency, the following shall be the order of business.

1. Roll call.

2. Approval of the minutes of the previous meeting.

3. Unfinished business.

4. New business.

5. Adjournment.

All resolutions shall be in writing and shall be filed in a journal of the proceedings of the Agency.

Section 6. Manner of Voting. The voting on all questions coming before the Agency shall be by roll call, and the yeas and nays shall be entered upon the minutes of such meeting, except on the election of officers which may be by ballot.

Section 7. Robert's Rules. All rules of order not herein provided for shall be determined in accordance with "Robert's Rules of Order."

ARTICLE IV - AMENDMENTS

Amendments to Bylaws. The bylaws of the Agency shall be amended only with the approval of a majority of the members of the Agency at a regular or special meeting. Amendments to the bylaws shall not be introduced and adopted at a single meeting.

Adopted 4-29-69 by Resolution 1
Amended 9-15-70 by Resolution 30
Amended 6-15-73 by Resolution 121
Amended 3-3-75 by Resolution 217

EXHIBIT D

ITEMS REQUIRING 6 (2/3) VOTES AT COUNCIL

Municipal Code

- Extend time of adjournment of Council meeting by the Chair or by 2/3 vote of the Council. (Permanent Rules of the Council, Section 22.1010. Rule 1 (c).

- Requests for Reconsideration – waiving Permanent Rules of Council when Council Policy 000-6 applies. (Section 22.0101, Rule 4 (b) (1).

- Temporarily Suspend the Permanent Rules of the Council for matters under immediate consideration . (Section 22.0101, Rule 32)

- Non-Agenda Items – Determination by 2/3 vote that the need to take action arose after the agenda was posted. (Rule 30.2)

- Airport Environs Overlay Zone - City Council override of City Manager's determination of non-compliance with adopted Comprehensive Land Use plan. (Section 132.0310)

City Charter

- Entering into multiple year memorandums of understanding with recognized employee organizations concerning hours, wages, terms of employment. (Section 11.2)

- Adoption of Emergency Ordinances (Section 17)

- Ordinance creating, combining, abolishing, or decreasing the powers of any City department, division, or board (Section 26)

- Council resolution to issue revenue bonds to enhance or improve water works without recommendation of City Manager. (Section 90.1. Sub. 4, Section b.)

- Ordinance to call the election for issuance of revenue bonds for water works without recommendation of City Manager (Section 90.1, Sub. 4, Section b)

- General Fund Reserve – expenditure of reserve in event of public emergency (Section 91.)

- Enter into contract without advertising or receiving bids in case of great public calamity (Section. 94)

- Continuing contracts for more than five years (Section 99)

- Grant of franchises (Section 103)

California Government Code

- Eminent Domain, condemnation actions (Section 66540.38)

EXHIBIT E

(R-92-104)

RESOLUTION NUMBER R- 278441

ADOPTED ON JUL 30 1991

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING EXECUTION OF A FIRST AMENDED AGREEMENT FOR PROVISION OF SERVICES TO THE REDEVELOPMENT AGENCY BY THE CITY OF SAN DIEGO.

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be and he is authorized and empowered to execute, for and on behalf of the City, a First Amended Agreement with the Redevelopment Agency of The City of San Diego for provision of services to the Redevelopment Agency, under the terms and conditions set forth in the form of First Amended Agreement on file in the office of the City Clerk as Document No. RR- 278441.

APPROVED: JOHN W. WITT, City Attorney

By
Allysyn D. Thomas
Deputy City Attorney

ALT:lc
07/11/91
Or.Dept:Prop.
R-92-104
Form=r+t

Passed and adopted by the Council of The City of San Diego on July 30, 1991 by the following vote:

YEAS: Wolfsheimer, Hartley, Pratt, Behr, Henderson, McCarty, Mayor O'Connor.

NAYS: None.

NOT PRESENT: Roberts, Filner.

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(SEAL)

By: RHONDA R. BARNES, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION NO. R- 278441, passed and adopted by the Council of The City of San Diego, California on July 30, 1991.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(SEAL)

By: Rhonda R. Barnes, Deputy

CC-1628 (10-90)

(RA-92-1)

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. 1992

ADOPTED ON JUL 30 1991

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTION OF A FIRST AMENDED AGREEMENT FOR PROVISION OF SERVICES TO THE REDEVELOPMENT AGENCY BY THE CITY OF SAN DIEGO.

BE IT RESOLVED, by the Redevelopment Agency of The City of San Diego, that the Executive Director be and he is authorized and empowered to execute, for and on behalf of the Redevelopment Agency of The City of San Diego, a First Amended Agreement with The City of San Diego for provision of services to the Redevelopment Agency, under the terms and conditions set forth in the form of First Amended Agreement on file in the office of the Secretary to the Redevelopment Agency as Document No. 1843.

APPROVED: JOHN W. WITT, General Counsel

By _____
Allisyn L. Thomas
Deputy Counsel

ALT:lc
07/11/91
Or.Dept:Prop.
RA-92-1
Form=ra.t

DUPLICATE ORIGINAL

DOCUMENT NO. 345

FILED AUG 25 1975
OFFICE OF THE REDEVELOPMENT AGENCY
Rec. 418 SAN DIEGO, CALIF.

DOCUMENT NO. 759871

FILED APR 15 1975
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

AGREEMENT

THIS AGREEMENT is made by THE CITY OF SAN DIEGO, a municipal corporation, herein called "City," and the REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, herein called "Agency."

RECITALS

A. City desires Agency to take all necessary steps to implement redevelopment in the City.

B. City desires to furnish management and administrative services to Agency to carry out the redevelopment activities.

C. It is the intent of this agreement to take advantage of the efficiencies of having the City act as agent for the Agency to the extent allowed by law for purposes of expediting redevelopment activities such as, but not limited to, land acquisition, relocation, demolition, construction and consultant services.

NOW, THEREFORE, in consideration of the recitals and the mutual obligations of the parties as herein expressed, City and Agency agree as follows:

1. City will provide whatever management and administration is requested by Agency to carry out any redevelopment plan adopted by City for any project, pursuant to the California Community Redevelopment Law, Health and Safety Code, Section 33000 et seq.

2. Services to be rendered by City to Agency shall include but not be limited to providing the following:

a. A redevelopment staff.

b. Necessary accounting services.

c. Investment services.

d. Purchasing services.

e. Building inspection services.

f. Legal services.

g. Such further services and/or personnel as may be required by Agency.

3. The City, as agent for the Agency, may let contracts for implementation of any Redevelopment Project and shall carry through on such contracts to completion. Such contracts may include but not be limited to contracts for construction of improvements, demoliton of structures, consultant services, design services and audit services. Agency hereby authorizes the City Auditor (who also acts as auditor for the Agency) to encumber Agency funds sufficient to cover costs incurred and payments made by City in connection with such contracts. City shall let contracts by following standard City procedures for consultant selection, competitive bidding or other practices as appropriate. The contracts shall be administered and the work shall be performed in accordance with City standards in substantially the same manner and upon the same conditions as are normally followed by City. The City Audtior is hereby authorized to release such amounts of Agency funds as City requires to meet payments on the contracts a reasonable time prior to the time when such payments are due.

4. The City Treasurer shall submit a statement of expenses to Agency on a monthly basis for services rendered under paragraphs 2, and 3 herein.

Agency shall retain the right to inspect the appropriate accounts of City regarding expenses incurred under paragraphs 2 and 3.

5. Agency agrees to take any and all necessary steps in order to implement Redevelopment Projects.

6. In carrying out the intent of this agreement, City, while involved in the management and adminstrative duties occasioned by this agreement, shall be deemed agent of Agency and not an independent contractor.

7. This agreement shall commence upon execution hereof by City and shall continue in effect until terminated by either party by thirty (30) days' written notice of termination to the other party.

IN WITNESS WHEREOF, this agreement is executed by The City of San Diego, acting by and through its City Manager, pursuant to Resolution No. 212990 authorizing such execution and by the Chairman of the Redevelopment Agency of The City of San Diego, pursuant to Redevelopment Agency Resolution No. 218

THE CITY OF SAN DIEGO

By _____
ASSISTANT TO THE CITY MANAGER

REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO

By _____
Deputy Executive Director

I HEREBY APPROVE the form and legality of the foregoing agreement this 14 day of April, 1975.

4/10/75

JOHN W. WITT, City Attorney

By _____
Harold Valderhaug, Deputy

EXHIBIT F

CITY OF SAN DIEGO

Proposition F

(This proposition will appear on the ballot in the following form.)

PROP F **AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY ADDING ARTICLE XV TO PROVIDE FOR A STRONG MAYOR FORM OF GOVERNANCE.** Shall the City Charter be amended to change from a City Manager structure of government to a Strong Mayor structure of government for a five year trial period starting January 1, 2006?

This proposition requires approval by a majority (over 50%) of the voters.

Full text of this proposition follows the arguments.

CITY ATTORNEY'S IMPARTIAL ANALYSIS

The current San Diego City Charter provides for a Council-Manager form of government. The San Diego City Council is composed of nine members, eight Councilmembers and the Mayor. The Council governs and sets policy for the City. The Mayor is the chief elective officer and the City Manager is the chief executive officer. The City Manager runs the day-to-day affairs of the City and implements Council policy. The Council has no administrative powers. The Council is forbidden by the Charter's non-interference clause from directing the City Manager's employees.

If adopted, this measure would amend the Charter to suspend certain provisions of the Charter to create a Mayor-Council form of government for a five-year trial period, beginning January 1, 2006, and ending December 31, 2010. Voter action would be required to extend or make this change permanent; otherwise after the December 31, 2010, sunset date, all changes implemented by this measure are repealed and all provisions of the Charter suspended by this measure are revived.

Approval of this measure would remove the Mayor from the Council by providing for an eight-member Council. The eight Council Districts would not be affected by this measure. The Mayor would have the authority to give direction to all City officers and employees, except those in departments and offices recognized in the Charter as being independent, such as the Council offices, City Attorney, Personnel, Retirement, and the Ethics Commission. The Mayor retains the power to veto those resolutions and ordinances adopted by the Council establishing policy. The veto power would not extend to matters of internal governance of the Council or to the application of existing municipal rules to specific decisions of the Council, such as the issuance of land use permits. The Mayor would be responsible for preparing the annual budget for the Council's consideration and adoption. The Council would appoint an Independent Budget Analyst to review and provide budget information to the Council, independent from the Mayor. It would take the affirmative vote of five Councilmembers to take any action, and five votes to override any mayoral veto.

The Council would establish its own rules, elect a presiding officer, establish committees, and set the legislative agenda for the City, including establishing procedures for docketing matters in open session. The Mayor, City Attorney, and presiding officer of the Council would jointly set the agenda for closed session meetings, and, when present, the Mayor would preside over those meetings, but the Mayor would have no right to vote.

The Mayor would appoint the City Manager with Council confirmation. The City Manager would serve at the pleasure of the Mayor. The Mayor would appoint the City Auditor and Comptroller, Police Chief, and Fire Chief, subject to Council confirmation. All other managerial department heads formerly under the City Manager would be appointed by the Mayor and serve at the pleasure of the Mayor. As under the current Charter, the Mayor would appoint all other members of City Boards and Commissions, subject to Council confirmation.

CITY MANAGER'S FISCAL ANALYSIS

The financial impact of this ballot measure is not determinable at this time. It would ultimately depend on whether the approved Fiscal Year 2006 budgets for the Mayor's Office and the City Manager's Office would meet the administrative and operating needs of the respective offices to fulfill their revised responsibilities as set forth in the measure.

There may be a fiscal impact related to the establishment of an Office of Independent Budget Analyst. The cost of the establishment of this office will depend on its composition, staffing level, and operational requirements, which have not been determined as yet. Any budgetary adjustments would have to be approved by the Mayor and City Council.

ARGUMENT IN FAVOR OF PROPOSITION F

YES ON PROPOSITION F TO MAKE CITY HALL
More responsive to neighborhood concerns
More accountable to taxpayers
More efficient and effective

CITY GOVERNMENT IS OUTDATED

San Diego's population has increased nearly ten-fold since the current City Manager form of government was created in 1931. The issues City officials grapple with today didn't exist back then. It is time to do what most other major American cities have done, and give voters the power to elect a chief executive who is accountable for how the City is run.

MAYOR NEEDS AUTHORITY TO MAKE CHANGES

Currently, the authority to run the City of San Diego is held by an unelected City Manager. Proposition F ends the buck-passing and finger-pointing. Proposition F gives you the power to elect someone with the authority to make changes.

CHECKS AND BALANCES PROTECT TAXPAYERS

Proposition F includes checks and balances, including an independent Budget Analyst, City Council review of the Mayor's budget and personnel decisions, and Mayoral line-item budget veto to eliminate waste and ensure that limited City resources are used for police, fire and other City priorities.

MAKE CITY HALL MORE ACCOUNTABLE TO NEIGHBORHOODS

Proposition F makes the City's chief executive directly accountable to you and your neighbors to ensure adequate street and sidewalk repair, park maintenance, police and fire response times, water and sewer maintenance and other basic neighborhood services.

GIVE VOTERS A CHOICE

This change has been debated for decades and reviewed by a variety of citizen committees and commissions. Now it's time to give voters a chance to decide. As an additional safeguard, voters will have the choice in five years to make Proposition F permanent, or return to the old City Manager form.

Endorsed by
San Diego City Fire Fighters
San Diego County Taxpayers Association

LISA BRIGGS
Executive Director
San Diego County Taxpayers Association

RONALD L. SAATHOFF
President
San Diego City Firefighters

STEVEN P. ERIE
Professor of Political Science
UC San Diego

EDWARD LOPEZ
San Diego City Schools,
Board of Education Member, District E

LEON L. WILLIAMS
Former Member – San Diego City Council
Former Member – San Diego County Board of Supervisors

ARGUMENT AGAINST PROPOSITION F

PROTECT OUR NEIGHBORHOODS FROM SPECIAL INTEREST CONTROL

Downtown business interests wrote Prop F behind closed doors to give themselves more access and power. Prop F will **NOT** make government more accountable or efficient. Vote NO on Proposition F.

KEEP GOVERNMENT ACCOUNTABLE TO YOU

When you call your Councilmember, you have a right to expect action. Prop F creates political barriers between Councilmembers and city services to prevent them from responding directly to your neighborhood concerns.

Prop F decreases government accountability and weakens neighborhoods and communities.

STOP BACKROOM DEALS

Prop F is a last-minute, backroom deal. It's a plan based on city hall politics in Los Angeles and Oakland. For decades, San Diego and other 1st rate cities have scored high for efficiency under City Council-Manager governments.

Prop F politics doesn't work in L.A. and it won't work here.

PROTECT OUR NEIGHBORHOODS

Prop F puts the Mayor in charge of behind-closed-door meetings . . . eliminates the Mayor's obligation to attend public hearings . . . and allows a majority Council vote to be overruled by one person.

Prop F is a power grab by inside players who would drain public services away from our neighborhoods to subsidize powerful developers.

THAT IS WHY NEIGHBORHOOD AND COMMUNITY LEADERS, AND EVEN MANY WHO WOULD OTHERWISE SUPPORT A THOUGHTFUL AND REASONABLE REFORM PLAN, OPPOSE PROPOSITION F.

YOU CAN STOP THE SPECIAL INTERESTS. VOTE NO ON PROP F.

- **Vote No** because Prop F would REDUCE accountability of your elected officials.
- **Vote No** because Prop F would reward downtown interests at the expense of our neighborhoods.
- **Vote No** because Prop F would make it harder for the City Council to clean up an out-of-control bureaucracy.

KEEP CITY HALL ACCOUNTABLE TO OUR NEIGHBORHOODS. PLEASE JOIN US IN VOTING NO ON PROP F.

DONNA FRYE
San Diego City Councilmember

BILL FARRAR
President, San Diego Police Officers Assn

JERRY SANDERS
Former Chief of Police

SOL PRICE
Businessman – Founder of Price Club

NORMA DAMASHEK
League of Women Voters San Diego

PROPOSED CHARTER AMENDMENT

(The portions of the charter to be added are underlined.)

ARTICLE XV
Strong Mayor Trial
Form of Governance

Section 250: Purpose and Intent

The City of San Diego has operated under a governance structure known as the City Manager form of government since its current Charter was adopted in 1931. Under the City Manager form of government, the City is governed by a Council consisting of eight members elected by district and a Mayor who is elected citywide. Also under this form of government, the policies, rules, and decisions of the Council are implemented by a city manager. The purpose of this Article is to modify the existing form of governance for a trial period of time to test implementation of a new form of governance commonly known as a Strong Mayor form of government.

Section 255: Operative Date; Sunset of Article; Future Action by Voters

(a) The date for the provisions of this Article to become operative is January 1, 2006.

(b) After January 1, 2006, the provisions of this Article shall remain in effect for a period of five years (until December 31, 2010) at which time this Article shall be automatically repealed and removed from the Charter. However, the Council and the people reserve the right to propose amendments to the Charter at the November 2010 election or sooner to extend, make permanent, shorten or repeal the effective period of this Article and to consider increasing the number of Council districts to nine at the time of the next City Council district reapportionment which follows the national decennial census in 2010.

Section 260: Integration of Article with Charter

(a) For the period of time this Article is operative, the following sections or subsections of the Charter shall be deemed inoperative and this Article shall supersede and completely govern the subjects:

Section 12(a)	The Council [superseded by section 270]
Section 13	Meetings Of The Council [superseded by section 270]
Section 16	Introduction And Passage Of Ordinances And Resolutions [superseded by sections 275, 280, 285, and 290]
Section 17	When Ordinances And Resolutions Take Effect; Emergency Measures [superseded by section 295]
Section 22	Interference By Individual Members Of Council With Administrative Service Prohibited [superseded by sections 270(g) and 270(h)]
Section 24	Mayor [superseded by section 265]
Section 25	Deputy Mayor [superseded by section 265]
Section 27	The City Manager [superseded by sections 260 and 265]

(b) All executive authority, power, and responsibilities conferred upon the City Manager in Article V, Article VII, and Article IX shall be transferred to, assumed, and carried out by the Mayor during the period of time this Article is operative.

Section 265: The Mayor

(a) The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the courts for purpose of serving civil process, for the signing of all legal instruments and documents, and by the Governor for military purposes.

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

(1) To be the chief executive officer of the City;

(2) To execute and enforce all laws, ordinances, and policies of the City, including the right to promulgate and issue administrative regulations that give controlling direction to the administrative service of the City. Nothing in this section shall be interpreted or applied to add or subtract from powers conferred upon the City Attorney in Charter sections 40 and 40.1;

(3) To recommend to the Council such measures and ordinances as he or she may deem necessary or expedient, and to make such other recommendations to the Council concerning the affairs of the City as the Mayor finds desirable;

(4) To attend and be heard at any regular or special open session meeting of the Council, but not the right to vote at such meetings;

(5) To approve or veto actions passed by the Council in open session, pursuant to sections 280 and 290;

(6) To attend and be heard at any closed session meeting of the Council, but not the right to vote at such meetings. When present, the Mayor shall preside over closed session. When the Mayor does not attend closed session, the Presiding Officer of the Council shall chair the closed session meeting;

(7) Sole authority to appoint the City Manager, subject to Council confirmation;

(8) Sole authority to direct and exercise control over the City Manager in managing those affairs of the City under the purview of the Mayor as expressly permitted in the Charter;

(9) Sole authority to dismiss the City Manager without recourse;

(10) Notwithstanding contrary language in Charter section 39, sole authority to appoint the City Auditor and Comptroller, subject to Council confirmation;

(11) Notwithstanding contrary language in Charter sections 30, 39, 57 or 58, authority to dismiss the City Auditor and Comptroller, the Chief of Police or the Chief of the Fire Department, subject only to a right for these city officials to appeal to the City Council to overturn the Mayor's decision. Any such appeal must be filed with the City Clerk within 10 calendar days of receiving the notice of dismissal or termination from the Mayor. The City Clerk shall thereafter cause the appeal to be docketed at a regular open meeting of the City Council no later than 30 days after the appeal is filed with the Clerk;

(12) As provided for in Charter sections 41 and 43, the authority to appoint members of City boards, commissions, and committees, subject to Council confirmation;

(13) Sole authority to appoint City representatives to boards, commissions, committees and governmental agencies, unless controlling law vests the power of appointment with the City Council or a City Official other than the Mayor;

(14) To cooperate fully with the Council and the Office of Independent Budget Analyst, including but not limited to, supplying requested information concerning the budget process and fiscal condition of the City to the Council and the Office of Independent Budget Analyst; and

(15 To propose a budget to Council and make it available for public review, no later than April 15.

(c) On or before the 15th day of January of each year, the Mayor 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 or she may deem expedient and proper. In time of public danger or emergency, the Mayor shall take command of the police, maintain order, and enforce the law.

(d) No person shall serve more than two consecutive four-year terms as Mayor. If for any reason a person serves a partial term as Mayor in excess of two years, that partial term shall be considered a full term for purposes of this term limit provision.

(e) If a vacancy occurs in the Office of Mayor for any reason other than a successful recall election, and,

(1) If the vacancy occurs with one year or less remaining in the term, the Council shall appoint a person to fill the vacancy.

(2) If the vacancy occurs with more than one year remaining in the term, the Council shall call a special election to be held within ninety days of the vacancy, unless there is a regular municipal or statewide election scheduled to be held within 180 days of the vacancy. If there is a regular municipal or statewide election scheduled to be held within 180 days of the vacancy, the Council may consolidate the special election with that regular election.

(A) If one candidate receives the majority of votes cast for all candidates in the special election, the candidate receiving the majority of votes cast shall be deemed to be and declared by the Council to be elected to the Office of Mayor.

(B) If no candidate receives a majority of votes cast in the special election, a special run-off election shall be held within forty-nine days of the first special election, unless there is a regular municipal or statewide election scheduled to be held within ninety days of the proposed special run-off election date, at which time the City Council may consolidate the special run-off election with that regular election. The two candidates receiving the highest number of votes cast for the Office of Mayor in the first special election shall be the only candidates for the Office of the Mayor and the names of only those two candidates shall be printed on the ballot for that seat.

(f) If a vacancy occurs by reason of a successful recall election, the Council shall adopt procedures to fill the vacancy.

(g) Whether a person is appointed or elected to the Office of Mayor, whatever the reason for the vacancy, that person shall serve as Mayor for the remainder of the unexpired term.

(h) Upon the appointment or election of any person to the Office of Mayor, any other City office held by that person is automatically vacated.

(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.

(j) For purposes of this section, a vacancy may result from death, resignation, or recall. If a vacancy occurs by reason of a resignation, the date of the vacancy will be the date specified in the written letter of resignation or, if there is no date certain specified in the letter, upon the date of receipt of the letter by the City Clerk.

Section 270: The Council

(a) The Council shall be composed of eight councilmembers elected by district, and shall be the legislative body of the City.

(b) Each councilmember shall have the right to vote upon all questions before the Council.

(c) No resolution, ordinance, or other action of the Council shall be passed or become effective without receiving the affirmative vote of five members of the Council, unless a greater number is otherwise required by the Charter or other superseding law. All substantive actions of the Council shall be passed by adoption of an ordinance or resolution.

(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.

(e) The Council shall have the right to establish committees of the Council and to establish advisory boards and citizen committees as provided for in Charter section 43.

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

(g) No member of the Council shall directly or indirectly by suggestion or otherwise attempt to influence or coerce the City Manager or other officer appointed or confirmed by the Council in the making of any appointment to, or removal from, any City office or employment, or the purchase of any supplies, or discuss directly or indirectly with any candidate for City Manager the matter of appointments to City Offices or employment, or attempt to exact any promises from such candidate relative to any such appointments.

(h) Except for the purpose of inquiry or communications in furtherance of implementing policies and decisions approved by resolution or ordinance of the Council, individual members of Council shall deal with the administrative service for which the Mayor is responsible only through the Mayor, the City Manager, or the Mayor's designees.

(i) Any City official or department head in the administrative service may be summoned to appear before the Council or any committee of the Council to provide information or answer any question.

Section 275: Introduction and Passage of Ordinances and Resolutions

(a) Ordinances shall be introduced in the Council only in written form. An alteration necessary only to correct a typographical or clerical error or omission may be performed by the City Clerk with the written approval and concurrence of the City Attorney, so long as the alteration does not materially or substantially alter the contents, requirements, rights, responsibilities, conditions, or prescriptions contained in the original text of the ordinance. A typographical or clerical error shall include, but is not limited to, incorrect spelling, grammar, numbering, punctuation, transposed words or numbers, and duplicate words or numbers.

(b) All ordinances except annual appropriation ordinances and ordinances codifying or rearranging existing ordinances, shall be confined to one subject, and the subject or subjects of all ordinances shall be clearly expressed in the title.

(c) The following ordinances may be passed by the Council on the day of their introduction: ordinances making the annual tax levy; the annual appropriation ordinance; ordinances calling or relating to elections; ordinances recommended by the Mayor or 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 295 of this Charter. Other ordinances, however, shall be passed by the Council only after twelve calendar days have elapsed from the day of their introduction.

(d) Each ordinance shall be read in full prior to passage unless such reading is dispensed with by a vote of five members of the Council, and a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(e) The yeas and nays shall be taken upon the Council's passage of all resolutions and ordinances and entered upon the journal of the proceedings of the Council.

(f) 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 initiative shall be "Be it ordained by the People of the City of San Diego."

Section 280: Approval or Veto of Council Actions by Mayor

(a) The Mayor shall have veto power over all resolutions and ordinances passed by Council with the following exceptions:

(1) The Mayor's veto power shall not extend to matters that are exclusively within the purview of Council, such as selection of the Independent Budget Analyst, the selection of a presiding officer, or the establishment of other rules or policies of governance exclusive to the Council and not affecting the administrative service of the City under the control of the Mayor.

(2) The Mayor's veto power shall not extend to those matters where the Council has acted as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented.

(3) Emergency Ordinances.

(4) The Annual Appropriation Ordinance.

(5) The Salary Ordinance, which instead shall be subject to veto in accordance with the process described in section 290.

(b) Matters that are not subject to the Mayor's veto power shall be clearly indicated as such on the Council's agenda and within the body of the resolution or ordinance, which, pursuant to section 40, shall be signed as to form and legality by the City Attorney.

(c) The following shall apply to each resolution and ordinance that has been passed by the Council and is subject to the Mayor's veto:

(1) Each such resolution or ordinance shall, within forty-eight hours of passage, be transmitted to the Mayor by the City Clerk with appropriate notations of the action taken by the Council.

(2) The Mayor shall act upon each resolution or ordinance within ten business days of receiving the City Clerk's transmittal.

(3) The Mayor shall either approve the resolution or ordinance by signing and returning it to the City Clerk within the specified time limit, or shall veto any resolution or ordinance and return it to the City Clerk with his or her written objections within the specified time limit.

(4) Failure to return the resolution or ordinance within the specified time limit shall constitute approval and such resolution or ordinance shall take effect without the Mayor's signed approval. The City Clerk shall note this fact on the official copy of such resolution or ordinance.

Section 285: Enactment Over Veto

The Council shall reconsider any resolution or ordinance vetoed by the Mayor. If, after such reconsideration, at least five members of the Council vote in favor of passage, that resolution or ordinance shall become effective notwithstanding the Mayor's veto. If more than five votes are required for the passage of any resolution or ordinance by the provisions of this Charter or other superseding law, such larger vote shall be required to override the veto of the Mayor. If a vetoed resolution or ordinance does not receive sufficient votes to override the Mayor's veto within thirty calendar days of such veto, that resolution or ordinance shall be deemed disapproved and have no legal effect.

Section 290: Council Consideration of Salary Ordinance and Budget; Special Veto Power

(a) No later than April 15 of each year, the Council shall introduce a Salary Ordinance fixing the salaries of all officers and employees of the City in accordance with Charter section 70. The Salary Ordinance shall be proposed by the Mayor for Council introduction in a form consistent with any existing Memorandum of Understandings with recognized labor organizations, or otherwise in conformance with procedures governed by the Meyers-Milias-Brown Act or any other legal requirements governing labor relations that are binding upon the City. Upon introduction, the Salary Ordinance shall be transmitted to the Mayor.

(1) The Mayor shall, within five business days of receipt of the Salary Ordinance introduced by Council, either approve the ordinance as introduced or veto all or any specific provision within the ordinance.

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(2) The Mayor's veto power shall not extend to those matters where the Council has acted as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented.

(3) Emergency Ordinances.

(4) The Annual Appropriation Ordinance.

(5) The Salary Ordinance, which instead shall be subject to veto in accordance with the process described in section 290.

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(2) The Mayor shall act upon each resolution or ordinance within ten business days of receiving the City Clerk's transmittal.

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(1) The Mayor shall, within five business days of receipt of the Salary Ordinance introduced by Council, either approve the ordinance as introduced or veto all or any specific provision within the ordinance.

(2) The Salary Ordinance shall be returned to the Council within the five-business day period either approved by the Mayor or accompanied by a statement explaining any reasons for the veto. The Council shall thereafter have ten business days within which to override the veto and pass the Salary Ordinance as introduced or otherwise accept the changes proposed by the Mayor in the veto statement and pass the ordinance at second reading with the changes proposed by the Mayor.

(3) The Salary Ordinance passed by Council shall become a controlling document for preparation of the Annual Appropriation Ordinance for the ensuing fiscal year.

(b) Prior to June 15 of each year, the Council shall satisfy its obligations under Charter section 71 by holding a minimum of two public hearings to consider the budget submitted by the Mayor. Prior to the June 15 deadline, and after at least two such public hearings have been held, the Council shall pass a resolution that either approves the budget as submitted by the Mayor or modifies the budget in whole or in part. The Council's modifications may call for adding new items or for increasing or decreasing any item.

(1) If approved by the Council as proposed by the Mayor, the budget shall become a controlling document for preparation of the Annual Appropriation Ordinance for the ensuing fiscal year.

(2) If modified by the Council, the budget shall be returned to the Mayor as soon as practicable.

(A) The Mayor shall, within five business days of receipt either approve, veto, or modify any line item approved by the Council.

(B) The Council shall thereafter have five business days within which to override any vetoes or modifications made by the Mayor pursuant to section 290(b)(2)(A). Any item in the proposed budget that was vetoed or otherwise modified by the Mayor shall remain as vetoed or modified unless overridden by the vote of at least five members of the Council. In voting to override the actions of the Mayor, the Council may adopt either an amount it had previously approved or an amount in between the amount originally approved by the Council and the amount approved by the Mayor, subject to the balanced budget requirements set forth in section 71.

(C) Upon the expiration of the Council's five business day period, or sooner if the Council by five votes so directs, the budget as returned by the Mayor, and to the extent modified thereafter by the Council, shall become a controlling document for preparation of the Annual Appropriation Ordinance for the ensuing fiscal year.

(c) As required by section 71, the Council shall adopt the Annual Appropriation Ordinance during the month of July.

(d) The Mayor shall have no power of veto over the Annual Appropriation Ordinance.

Section 295: When Resolutions and Ordinances Take Effect; Emergency Measures

(a) In the case of a resolution or ordinance for which the Mayor has veto power:

(1) The date of approval by the Mayor pursuant to section 280(c) shall be deemed the date of its final passage.

(2) If the time for approval or veto by the Mayor has expired and no action has been taken by the Mayor, the date of expiration of that time shall be deemed the date of its final passage.

(3) If a resolution or ordinance is adopted by Council overriding the Mayor's veto, then the date of Council's override vote shall be deemed the date of final passage.

(b) In the case of a resolution or ordinance for which the Mayor has no veto power, the date of passage by the Council shall be deemed the date of its final passage.

(c) Resolutions shall become effective immediately upon their final passage, unless otherwise stated therein.

(d) Ordinances making the annual tax levy, the annual appropriation ordinances,

ordinances calling or relating to elections, and emergency measures, 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 calendar days from the date of their final passage. Ordinances adopted by vote of the electors shall take effect at the time indicated therein or the date the final canvass is issued by the County Registrar of Voters, whichever occurs later.

(e) 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 six 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 the courts shall strictly construe compliance with such definition.

EXHIBIT G

PS&NS SEP 21 2005 #1

THE CITY OF SAN DIEGO

MANAGER'S REPORT

DATE ISSUED: September 16, 2005 REPORT NO. 05-197

ATTENTION: Public Safety & Neighborhood Services Committee
Agenda of September 21, 2005

SUBJECT: Redevelopment Division Restructure Update

REFERENCE: Managers Report 05-160, Redevelopment Agency Organization Assessment Work Plan

SUMMARY

THIS IS AN INFORMATION ITEM ONLY. NO ACTION IS REQUIRED ON THE PART OF THE COMMITTEE OR THE CITY COUNCIL

BACKGROUND

At the July 20, 2005 Public Safety & Neighborhood Services Committee meeting, Redevelopment Division staff presented a draft work plan, in response to City Council direction during the budget process, regarding restructuring options. The plan was accepted and the Manager was directed to move forward. An activity in the plan is to provide periodic informational progress reports to the Committee. This report provides an update on the activities completed to date, describes the existing Redevelopment Agency and division structures and presents three primary restructuring options to focus on as we continue to conduct our analysis.

DISCUSSION

A summary of the existing structure of each entity of the City's Redevelopment Agency is provided below.

City of San Diego Redevelopment Agency

The activities of the Redevelopment Agency of the City of San Diego are coordinated through the Redevelopment Division of the City's Community & Economic Development Department (C&ED). The City Council is the Board of Directors of the Redevelopment Agency and the City Manager is the Executive Director. The Agency has no employees. Project implementation and administration for the Agency are provided by three organizations: Centre City Development Corporation (CCDC), Southeastern Economic Development Corporation (SEDC), and the Redevelopment Division of the City's Community and Economic Development Department. The corporations are public non-profit entities established by the City Council, with the City of San Diego as the sole member of each corporation. The Agency contracts with CCDC and SEDC to implement redevelopment projects in the downtown area and southeastern community, respectively. The Agency contracts with the Redevelopment Division to implement redevelopment projects in several of the City's older urban communities.

Centre City Development Corporation (CCDC)

CCDC was created by City Council to staff and implement Downtown redevelopment projects and programs. Formed in 1975, the corporation serves on behalf of the Agency as the catalyst for public-private partnerships to facilitate redevelopment projects in two project areas, Horton Plaza and Centre City, pursuant to redevelopment law. Each of the Corporation's seven-member board of directors is appointed by the Mayor and City Council for three year terms. The President of CCDC is appointed by the board of directors and is responsible for the direction and control of the day-to-day business and management of the corporation. CCDC has a staff of 49 employees and is responsible for planning and limited permitting and processing for development in the Downtown area pursuant to the Centre City Planned District Ordinance and the City's General Plan.

CCDC staff process conditional use permits, variances and site development permits for the downtown area. A designated Hearing Officer on its staff conducts Process 3 hearings. Reports are prepared and presented to the Planning Commission and City Council for Process 4 and 5 applications. Generally, City staff takes the lead on discretionary actions for Downtown projects involving the designation of Historic Resources and Tentative Maps. The applicants also submit plans for preliminary review with the Development Services Department (DSD), since all building permits are issued by DSD.

Southeastern Economic Development Corporation (SEDC)

SEDC is a public, non-profit corporation created by City Council to staff and implement redevelopment projects and programs in the 7-square-mile area adjacent to downtown in the southeastern community of San Diego. Formed in 1981, the corporation serves on behalf of the Agency to facilitate redevelopment and economic development to produce a wide array of opportunities for local residents and business owners through the provision of affordable

housing, commercial development and redevelopment financing in four project areas: Central Imperial, Gateway Center West, Mount Hope and Southcrest and the Dells Imperial Study Area. SEDC has a nine-member board of directors appointed by the Mayor and City Council and a 14 member staff. The President of SEDC is appointed by the board of directors and is responsible for the direction and control of the day-to-day business and management of the corporation. SEDC is not responsible for planning and permitting for development within its sphere of influence. All SEDC project plans are submitted to DSD for permits.

Redevelopment Division

The City's Redevelopment Division staff implements redevelopment projects in the older urban communities on behalf of the Agency pursuant to an operating agreement between the City and the Agency. The City Council maintains its position as the Board of Directors of the Agency with the City Manager as the Executive Director. The Community & Economic Development Department Director also serves as the Assistant Executive Director with the Redevelopment Division Deputy Director serving as the Deputy Executive Director of the Agency.

The Redevelopment Division has a staff of 25 to manage eleven project areas: Barrio Logan, City Heights, College Community, College Grove, Crossroads, Grantville, Linda Vista, Naval Training Center, North Bay, North Park and San Ysidro. The Division works in partnership with various City Departments (i.e. Development Services, Financial Management, Park & Recreation, Planning, and Real Estate Assets, etc.) to implement the redevelopment plans established in these project areas.

As independent corporations, CCDC and SEDC have the ability to hire staff as revenues permit and project activity requires. As city staff on loan to the Redevelopment Agency, the Redevelopment Division, follows the Civil Service rules and regulations.

Work plan Update

We have completed the following activities of the work plan.

•Isolate expenditures and revenues associated with the Agency (A.1)
•Identify preliminary categories of alternative models (C.1).

We have also reviewed the Independent Study of Redevelopment in Long Beach report prepared by Clarion Associates, LLC, Waronzof Associates, Inc. & Consensus Planning, Inc. As a result, we determined a need to develop a general scope of options on which to focus prior to proceeding with the remaining activities. The three options that have been developed include:

1. Enhance the Existing Structure of the Redevelopment Division

Identify, and recommend improvements to the existing structure based on "best practices" identified in the Long Beach Redevelopment Agency Study, California Redevelopment

Association's "Policy Making and Politics in Redevelopment" document and interviews with CCDC and SEDC. Improvements to be considered include, but are not limited to: identify adequate staffing levels; strengthen interdepartmental cooperation and communication; establish and implement measures to improve the efficiency of project management, data collection, project design review, selection and financing; and implement measures for effective communication with the community.

The Community & Economic Development Department has operated as a three division department for several years. The divisions of Economic Development, Community Services and Redevelopment contain functions in the realm of business assistance, commercial revitalization, community development, human services, disability services, child care and redevelopment. It is common in other cities to bring together these community oriented functions into a single department as their respective programs often work collaboratively to benefit blighted, lower income and/or older communities.

2. Create an Independent City Agency

Continue to identify and analyze both the benefits and challenges associated with restructuring the existing division into an independent agency utilizing the "best practices" identified in the Long Beach Redevelopment Agency Study, California Redevelopment Association's "Policy Making and Politics in Redevelopment" document and the existing structures of CCDC, SEDC Housing Commission, as well as, the cities of San Jose, Oakland, Sacramento, Los Angeles, San Francisco and Portland, Oregon. Identify potential solutions and recommend a course of action with estimated timeframes.

Should the Redevelopment Division become an independent agency, it would continue to be organizationally effective to keep the functions of the Economic Development and Community Services Divisions together. Options to be analyzed may include: incorporating the two divisions with the Agency spin-off through an operating agreement and/or MOU, merging them with another department with a similar mission of community development, or creating a separate Department consisting of both divisions as an Office of Community Development. All potential options will also go through the public input process.

3. Merge with the Housing Commission

Identify the benefits and challenges associated with merging with the Housing Commission. This particular option would provide the Agency with an opportunity to capitalize on an existing structure with complementary goals and provides an opportunity to capitalize on mutual funding sources to meet those goals. Both the state and federal governments have identified the preservation and expansion of the supply of housing affordable to low and moderated income households as a priority. This option could assist the City, Agency and Division with making a significant contribution to the affordable housing stock, as well as, offers the potential of leveraging our opportunities for additional federal and state funds. Sacramento, Santa Rosa and LA County have this type of organizational structure. It also impacts the Community Services

and Economic Development Divisions that are part of the Community & Economic Development Department. The same steps will be taken regarding these divisions as mentioned in #2 above.

Discussion of Options

The City Attorney's Office has provided general guidance regarding the three options mentioned above as it relates to impacts on bond issuance, labor and existing MOUs.

Bond Issuance: The Agency, subject to City Council approval, may issue bonds for any of its corporate purposes. The Agency may also issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. Bonds may be payable from income and revenues of redevelopment projects and the Agency's tax increment allocation. As long as Agency Bonds are not issued based in any way upon the credit worthiness of the City, there are no significant issues related to any of the above options.

Labor: Because Options 2 and 3 have a potential impact on MEA represented employees, they would need to be discussed and/or negotiated with the union.

MOUs: The City currently provides staffing and services to the Agency via an Operating Agreement. The Agency has an MOU with both CCDC, and SEDC. Depending upon the extent of restructuring, the Operating Agreement and MOUs may be impacted and thus require modification or termination. Consequently, the City Attorney's Office will review the Operating Agreement and MOUs once the restructuring options are further refined.

Next Steps

Public input is an important part of our process. The most recent venue where we heard public comment on the restructuring analysis was at the September 12, 2005 Government Efficiency and Openness Committee where the issue of eminent domain was discussed. Members of the public requested the opportunity to provide input on the proposed restructure options.

Some of our next steps include scheduling an evening meeting for public input, obtain a more detailed legal analysis of the three options, continue requesting input from the Project Area Committee (PAC) chairs and related community groups on a monthly basis, develop potential organizational structures for each option, provide options for the remaining Divisions of C&ED should the Redevelopment Division move outside of the City organization and continue to implement the other elements of the work plan as adopted. We will also develop suggested organizational charts once decisions are made regarding the Mayor's role in redevelopment, and the reporting relationship of the Executive Director of the Agency fits in the Transition to the strong mayor form of government.

Respectfully submitted,

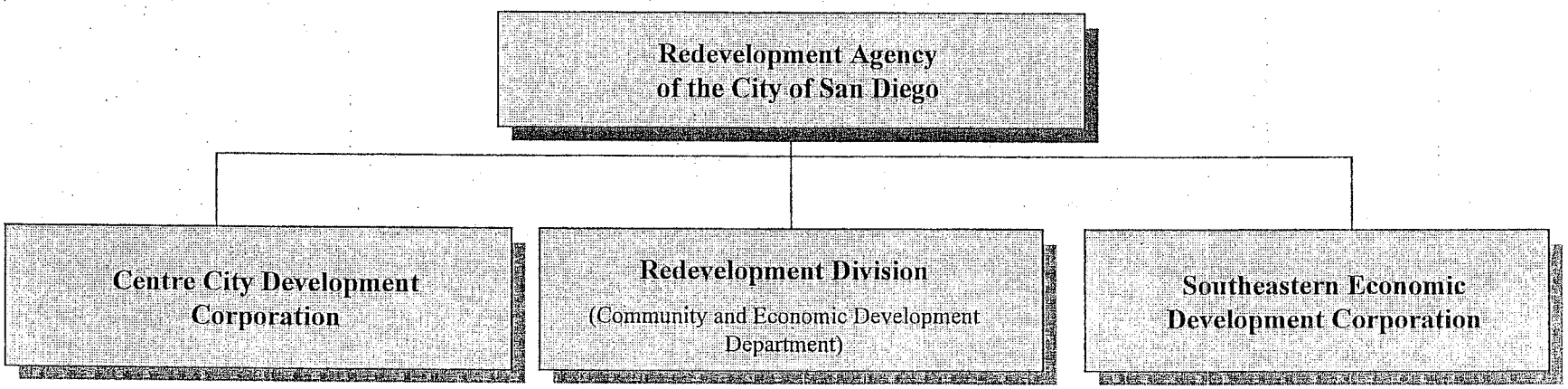
Debra Fischle-Faulk, Acting Director
Community & Economic Development
Department

Approved: Ellen Oppenheim
Deputy City Manager

Attachment 1: Organizational charts

San Diego Redevelopment Agency

Redevelopment Agency Organizational Chart with Redevelopment Project Areas



Centre City
Horton Plaza

Barrio Logan
College Community
Crossroads
Linda Vista
Naval Training Center
San Ysidro
City Heights
College Grove
Grantville
North Bay
North Park

Central Imperial
Gateway Center West
Dells Imp. Study Area
Mount Hope
Southcrest

August 2005

Community & Economic Development Department

9/16/2005

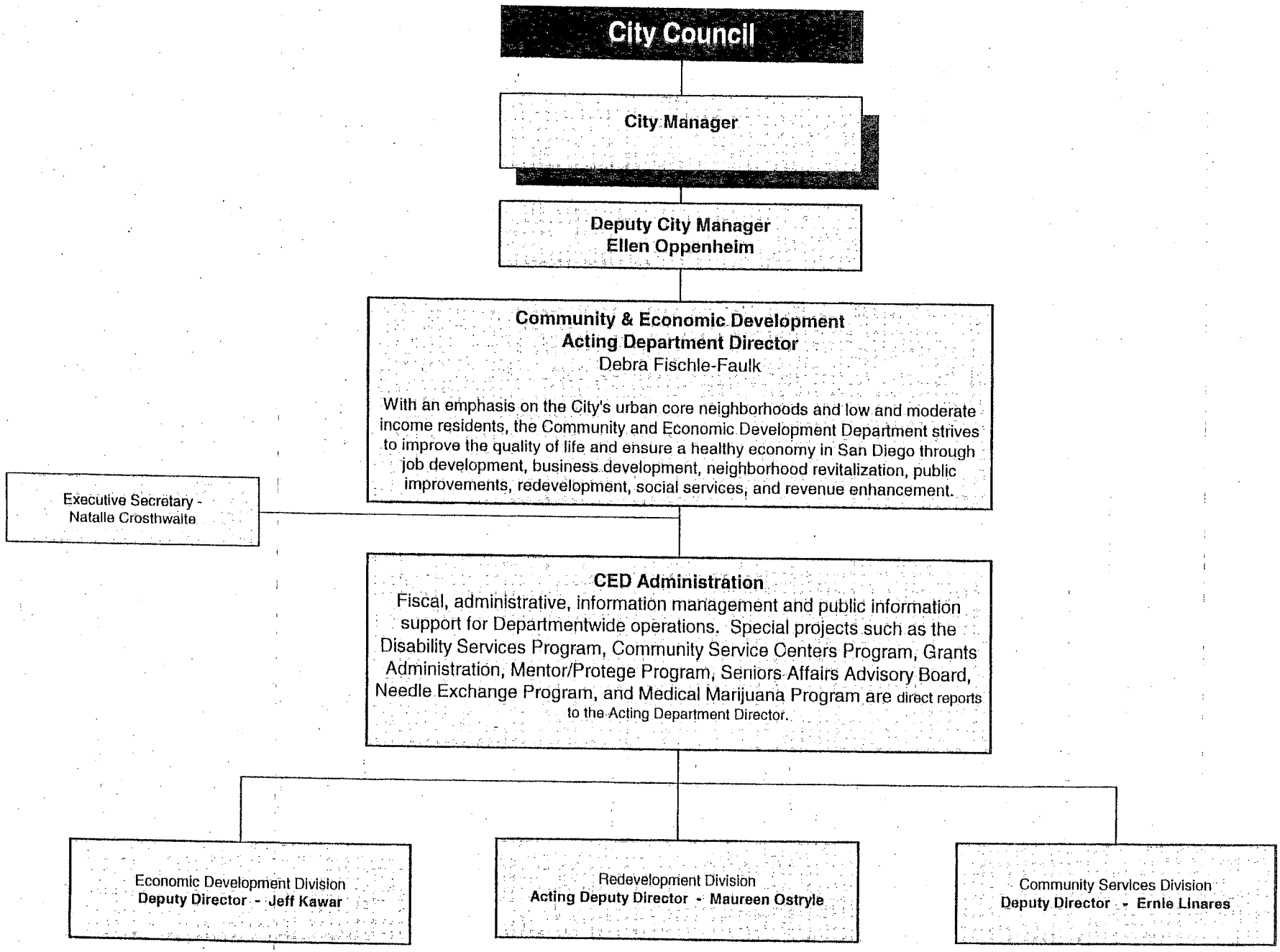


EXHIBIT H

BYLAWS OF THE REDEVELOPMENT AGENCY
OF THE
CITY OF SAN DIEGO

ARTICLE I – THE AGENCY

Section 1. Name of Agency. The name of the Agency shall be the "Redevelopment Agency of The City of San Diego."

Section 2. Seal of Agency. The seal of the Agency shall be in the form of a circle and shall bear the name of the Agency and the year of its organization.

Section 3. Office of Agency. The office of the Agency shall be at such place in the City of San Diego, California, as the Agency may from time to time designate by resolution.

ARTICLE II – OFFICERS

Section 1. Officers, Members and Personnel. Officers, members and personnel of the Agency are as follows:

City Positions	Agency Positions
Council President	Chairman
Council President Pro Tem	Vice Chairman
Council Members	Board Members
City Attorney	General Counsel
City Clerk	Secretary
City Auditor	Auditor
City Treasurer	Treasurer

Deleted: Mayor

Deleted: Deputy Mayor

The Executive Director or Directors shall be the Mayor and or such person or persons as may be designated by the Agency. The duties of General Counsel, Executive Director, Secretary, Auditor and Treasurer shall be performed by said persons or their authorized designees or deputies.

Deleted: City Manager

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Deleted: other

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Section 2. Chairman. The Chairman shall preside at all meetings of the Agency. Except as otherwise authorized by resolution of the Agency, the Chairman shall sign all contracts, deeds and other instruments made by the Agency. At each meeting, the Chairman shall submit such recommendations and information as he may consider proper concerning the business, affairs and policies of the Agency.

Deleted:

Section 3. Vice Chairman. The Vice Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman.

Section 4. Executive Director, Secretary, Treasurer and Auditor. The Executive Director shall have general supervision over the administration of the business and affairs of the Agency subject to the direction of the Agency.

The Secretary shall keep the records of the Agency, shall act as secretary of the meetings of the Agency, and record all votes, and shall keep a record of the proceedings of the Agency in a journal of proceedings to be kept for such purpose, and shall perform all duties incident to his office. He shall keep in safe custody the seal of the Agency and shall have power to affix such seal to all contracts and instruments authorized to be executed by the Agency.

The Treasurer shall have the care and custody of all funds of the Agency and shall deposit the same in the name of the Agency.

The Auditor shall sign all orders and checks for the payment of money and shall pay out and disburse such moneys under the direction of the Agency. He shall keep regular books of accounts showing receipts and expenditures and shall, upon request, render to the Agency an account of his transactions and also of the financial condition of the Agency.

Section 5. Additional Duties. The officers of the Agency shall perform such other duties and functions as may from time to time be required by the Agency or the bylaws or rules and regulations of the Agency.

Section 6. Additional Personnel. The Agency through its Executive Director may from time to time employ such personnel as it deems necessary.

ARTICLE III – MEETINGS

Section 1. Regular Meetings. Regular meetings shall be held without notice at such time and place as may from time to time be determined by resolution of the Agency. In the event a day of regular meeting shall be a legal holiday, said meeting shall be held on the next succeeding business day. Any regular meeting may be adjourned to a date and hour certain.

Section 2. Special Meetings. The Chairman of the Agency may, when he deems it expedient, and shall, upon the written request of two members of the Agency, call a special meeting of the Agency for the purpose of transacting any business designated in the call. The call for a special meeting shall be mailed to each member of the Agency at his business or home address at least forty-eight (48) hours prior to the date of such special meeting. At such special meeting no business shall be considered other than as designated in the call. Such written notice may be dispensed with as to any member who has filed with the Executive Director of the Agency a written waiver of notice.

Section 3(a). Meetings Open. All of the meetings of the Agency shall be open to the public, whether regular or special.

Section 3(b). Executive Sessions. Nothing contained in this Article shall be construed to prevent the Agency from holding executive sessions under the provisions of the Ralph Brown Act, as amended, during a regular or special meeting.

Section 4. Quorum. The powers of the Agency shall be vested in the members thereof in office from time to time. Five (5) members shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, but a smaller number may adjourn from time to time until a quorum is obtained. When a quorum is in attendance, action may be taken by the Agency upon a vote of a majority of the Agency members. During the period that San Diego Charter sections 275, 280, and 285 are in effect (Strong Mayor form of governance), the Mayor shall have veto powers over actions approved by the members in accordance with the procedures set forth in those sections with the following exception: The Mayor's veto power shall not extend to matters that are exclusively within the purview of the members such as the selection, removal and duties of the Agency officers, members, and personnel under Article II of the bylaws of the Agency.

Section 5. Order of Business. At the regular meetings of the Agency, the following shall be the order of business.

1. Roll call.
2. Approval of the minutes of the previous meeting.
3. Unfinished business.
4. New business.
5. Adjournment.

All resolutions shall be in writing and shall be filed in a journal of the proceedings of the Agency.

Section 6. Manner of Voting. The voting on all questions coming before the Agency shall be by roll call, and the yeas and nays shall be entered upon the minutes of such meeting, except on the election of officers which may be by ballot.

Section 7. Robert's Rules. All rules of order not herein provided for shall be determined in accordance with "Robert's Rules of Order."

ARTICLE IV – AMENDMENTS

Amendments to Bylaws. The bylaws of the Agency shall be amended only with the approval of a majority of the members of the Agency at a regular or special meeting. Amendments to the bylaws shall not be introduced and adopted at a single meeting.

Adopted 4-29-69 by Resolution 1
Amended 9-15-70 by Resolution 30
Amended 6-15-73 by Resolution 121
Amended 3-3-75 by Resolution 217