

# CITIZENS' CHARTER REVIEW CONVENTION

REPORT



SAN DIEGO, CALIFORNIA

JULY 1969



CITIZENS' CHARTER REVIEW  
CONVENTION

REPORT



TO THE  
MAYOR AND CITY COUNCIL  
CITY OF SAN DIEGO





# THE CITY OF SAN DIEGO

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ROBERT THORBURN  
ARDEN VAN DINE  
RICHARD WONG

The Honorable Mayor  
and City Council  
City of San Diego  
City Administration Building  
San Diego, California 92101

Gentlemen:

It is a distinct pleasure to present to you the Report of the Citizens' Charter Review Convention.

At your request, review of the San Diego City Charter began more than a year ago. This document is the end product of a long process of identification of issues, fact-finding, taking of testimony, discussion, sounding of community sentiment, debate on alternative proposals and, finally the reaching of consensus.

This Report contains faults of commission and omission. Some members of the Convention do not agree with all that is recommended. Some would have included additional recommendations which did not find favor with the majority. However, all who have signed the Report feel it represents the consensus of the actions taken by the Convention. By unanimous vote at its closing session, the Convention requested that the major substantive issues recommended in its report be submitted to the electorate at the same election.

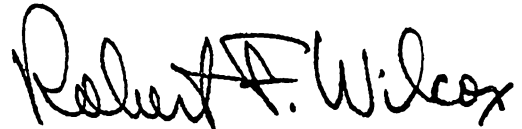
You, as Mayor and members of the City Council, have been most generous in assisting this charter review process. The City Manager, City Attorney and other City officials, representatives of local organizations and individual citizens have helped in important ways to shape this Report. The members of the Convention want to express their appreciation to all who cooperated with them. They feel also that the Mayor and Council performed an important civic function in initiating review of the Charter.

Having invested time, thought and energy in this Report, we naturally hope that the Mayor, Council and a majority of the electorate will find merit in it. We have appreciated the opportunity to be involved in what we all recognize as an important piece of work. We have been greatly aided at each step of the way by the consultants and the Executive Secretary provided through the Public Affairs Research Institute of San Diego State College.

July 15, 1969

As Chairman, I would like to pay tribute to the members of the Convention and its predecessor bodies, the Pilot and Blue Ribbon Committees. Some participated throughout the process of review, while the majority joined for subsequent stages of the study. Having been a student and teacher of American Government for many years, I have come to believe that the vitality of our democratic system depends in the most fundamental way on the willingness of citizens to participate directly and without thought of reward in the processes of government. This belief has been borne out by the dedication of members of the Convention to their task through long hours of meeting and study, and their concern for the civic welfare of the City of San Diego.

Respectfully submitted,

A handwritten signature in black ink that reads "Robert F. Wilcox". The signature is written in a cursive style with a large initial "R" and a distinct "F" and "W".

ROBERT F. WILCOX  
Chairman

**CITIZENS' CHARTER REVIEW CONVENTION REPORT  
TO THE  
MAYOR AND CITY COUNCIL**

The Citizens' Convention appointed by you has completed its assignment. The results of the analysis of the Blue Ribbon Committee Report and the deliberations as to charter revision are submitted as recommendations for your action this 15th day of July, 1969.

Robert F. Wilcox  
Robert F. Wilcox, Chairman

John C. Leppert  
John Leppert, Vice Chairman

- |   |  |  |   |
|---|--|--|---|
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| <u>John T. Barreno</u><br>John Barreno      | <u>Gladys Galen</u><br>Gladys Galen          | <u>Bernice F. Layton</u><br>Bernice Layton     | <u>Frank Seiz</u><br>Frank Seiz                 |
| <u>Lois Brozey</u><br>Lois Brozey           | <u>Ted Gavett</u><br>Ted Gavett              | <u>John LiMandri</u><br>John LiMandri          | <u>Norman Seltzer</u><br>Norman Seltzer         |
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| <u>Mary Cobb</u><br>Mary Cobb               | <u>Donald J. Hartley</u><br>Donald Hartley   | <u>E. Wally Miles</u><br>E. Wally Miles        | <u>Harry Standefer</u><br>Harry Standefer       |
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## I INTRODUCTION

In a democratic society, it is the prerogative of the electorate to participate periodically in the review of the basic concepts and processes of government. In cities employing home rule, the charter is the instrument which must be examined, for it is the language of this document which reflects earlier decisions as to the kind of government the electorate desired and the machinery provided to make government operational.

### **A Basic Premise: Retention of Council-Manager Form**

In San Diego, the basic decisions affecting us today were made in 1931. Although there have been modifications from time to time, these decisions have been adhered to through the years. Likewise, no major change in form of government emerges from the current review. At the very outset of the review process, the decision was reached to recommend retention of the council-manager form of government. This decision was adhered to by all three committees involved in the review. Recommendations made by this Convention provide for adjustments in the machinery and process of government rather than drastic overhaul.

The basic consideration underlying the recommendations contained in this report is that government must adapt to meet changes which have occurred in the past and which may be expected in the future. In effect, this Convention decided that the council-manager form can continue to serve San Diego effectively, but that clarification and reinforcement of the policy-making responsibilities of the elective Mayor and Council are needed in order to achieve greater responsiveness to the citizens of the city.

### **Work of 1962 and 1968-69 Committees Related**

Essentially, the charter review process of 1968-69 was a continuation of the work of the San Diego Citizens' Charter Review Committee of 1962. In both 1962 and 1968-69, retention of the council-manager form was recommended. On both occasions, a prime concern was enhancement of the policy-making and leadership roles of the Mayor. Reflecting its concern for strengthening "procedures and institutions which can effectively and rapidly mirror the views of citizens on local issues", the 1962 Committee recommended increasing the size of the Council from seven to nine members. Responsiveness to citizens' needs and desires was a key motivation behind the recommendation of a majority of this Convention for the nomination and election of Councilmen by districts on the basis of population rather than registered voters.

By way of contrast with the 1962 Committee, this Convention did not make any recommendation dealing with the role of the City Manager or his relationships with the Mayor or Council. It avoided making any recommendations that would have significant effect on the administrative machinery of the City.

### **Primary Focus on Policy-making**

If there was a single, primary focus of attention in this Convention's deliberations, it was on clarifying the policy-making process in city government within the context of the council-



manager form. This focus is reflected particularly in the following recommendations:

1. That the Mayor:
  - a. be identified in the Charter as the political and legislative head of the City and that reference to his ceremonial role be deleted;
  - b. appoint members of commissions, boards and committees without Council confirmation;
  - c. be assigned responsibility for human relations leadership of the city;
  - d. be required to develop an annual municipal legislative program for presentation to the Council;
2. that to provide greater continuity of service and stability in policy, planning commissioners' terms be extended from two to four years, and that appointments be staggered so that no more than three members are appointed in any one year;
3. that the use of revenue bonds be permitted for other than water and sewer purposes as currently provided by state law;
4. that reference to specific salaries for Mayor and Councilmen be eliminated from the Charter and a salary structure be developed commensurate with the policy-making responsibilities of these officers;
5. that members of the Council be nominated and elected by district.

#### **History of the San Diego Charter**

The Report of the 1962 Committee contained an excellent brief history of the evolution of the present Charter. It is quoted here as background information.

San Diego's first charter was granted by the California Legislature in 1850 when the City's population was but 650. This first attempt at local self-government lasted only two years. In 1852 the Legislature revoked the charter and created a new governing board to carry out the sole task of liquidating the City's debts. It was not until well after the Civil War in 1872 that another special legislative act recreated city government in San Diego. This time conditions were more favorable and municipal operations have continued without interruption to the present day.

#### **Early Charters**

The 1872 legislative charter served as a basis for local government for only the earliest part of this period however. Under provisions of the California Constitution, the City in 1889 drafted and adopted a freeholders charter which provided the framework for municipal government until adoption of the present charter in 1931.

The 1889 charter was substantially amended a number of times to provide for differing forms of government as the City's population grew and new problems arose. Originally it called for a bicameral council elected by wards. In 1905 this was changed to authorize a unicameral council, again elected by wards. Only four years later, in 1909, San Diego participated in the national enthusiasm for the new 'reform' idea of the commission plan popularized by its success in Galveston, Texas, a few years earlier. Disillusionment set in rather quickly, however, and in 1915 the City reverted to the traditional mayor-council form.

It is interesting to note that all of these modifications of governmental structure came about through amendment of the 1889 charter which remained the basic municipal law despite the experimentation and change.

### **Charter of 1931**

In 1929 an entirely new charter was drafted by a board of freeholders elected after a citizen charter study committee had recommended such action. This 1929 charter proposal called for the establishment of another 'reform' idea, the council-manager form of government. It provided for a nine-member council elected at large and serving without salary, a manager with wide appointive power and council appointment of a city attorney.

Despite general dissatisfaction with the existing mayor-council government, this 1929 proposal was badly defeated by the voters. Thereupon a new board of freeholders was elected and this second board presented new proposals to the voters in 1931. Again this council-manager form was specified but with significant changes from the 1929 proposal. Though he was to be a member of the Council, the Mayor was to be elected separately, there were to be six other salaried councilmen, and the City Attorney was to be elective. Other substantive changes involved the relation of the harbor, police and fire departments to the Manager, special pension funds for police and fire departments, nomination of councilmen by districts, and various provisions satisfying demands of organized labor. With these modifications the 1931 charter was overwhelmingly approved by the voters and is still in effect today.

### **Charter Changes**

A governmental unit which is undergoing rapid growth, both in population and in territory, cannot always continue to function comfortably and efficiently within the framework laid down for an earlier day and a smaller community. Inevitably there arises a need for letting out a seam here and there or for patching spots which have worn thin because of increasingly awkward operations. This need usually becomes apparent through pressures for piecemeal remodeling which produces a steady trickle of major and minor

revisions, often beginning very soon after adoption of the original plan.

San Diego has been no exception to this general rule, for amendments to the 1931 charter were adopted when the original document was little more than two years old. Change has continued ever since as citizens have tried to improve the capacity of their municipality to meet their growing service needs.

Although there have been some 220 changes in wording during the past three decades, the basic pattern of government laid down by the charter is fundamentally the same today as it was in 1931. The majority of the changes have been minor and technical in nature reflecting adjustments of internal operations to new situations created by population growth and by technological advances. Others have been of more general significance. Many of these changes resulted from reviews of the charter by council-appointed citizens groups in 1940 - 1941, 1952 - 1953, and 1962.

The principal recommendations of the 1962 Charter Review Committee may be summarized as follows:

1. Retain the council-manager form of government;
2. Strengthen the position of the Mayor to permit him to become the chief policy-making officer of the city;
3. Increase the size of the City Council from its present seven members to a total of nine members including the Mayor, and encourage it to employ adequate, independent research assistance;
4. Empower the City Council to remove, as well as to employ the City Manager by a simple majority vote;
5. Change the dates of the municipal primary and general elections from Spring until late Fall in odd-numbered years;
6. Place the planning and personnel functions under the jurisdiction of the City Manager;
7. Remove certain restrictive language from the charter in order to create the flexibility essential to efficient management.

#### **Origin of the 1968 - 69 Study**

In his State of the City address of January 15, 1968, Mayor Frank Curran stated that the City Charter needed to be revised from time to time in order to make it a viable and effective document. The Mayor added:

“The swift growth of our city and the preemption of local authority by the State Legislature together with new responsibilities forced upon us by an increasingly complex society have combined to make our Charter ambiguous

and ineffective in many areas.”

Mayor Curran proposed that the task of charter review be initiated by a nucleus committee charged with determining problems arising out of the present charter. The Mayor proposed that the original group should include members with legal, political, business and government expertise.

At the request of Mayor Curran, Professor Robert F. Wilcox of San Diego State College submitted a memorandum suggesting a three-stage approach to charter review: first, identification of problems and issues by a small Pilot Committee; second, further study with subsequent recommendations for change by a larger Blue Ribbon Committee; and third, the drafting of specific proposals for charter change by a broadly representative Citizens' Charter Convention. The Mayor, Council members, and other city officials discussed and approved this proposal.

The Pilot Committee was made up of nine persons appointed by the Mayor. Its members were “experts” in the sense that they had gained familiarity with San Diego municipal government through study and/or experience. In effect, the Pilot Committee was told: here is a projection of the kinds of problems our city government will be facing in the next ten to twenty years; now you, the Committee, should look at the charter and ask this question: how, if at all, do structure and procedures need to be changed to meet with these problems? The Pilot Committee was to identify areas of the charter in need of updating and to provide guidelines for the work of the Blue Ribbon Committee.

The Pilot Committee identified some twenty issues needing attention and made forty-seven suggestions for further study. It submitted its report on October 11, 1968. Over sixty civic organizations were mailed copies of this report.

The Blue Ribbon Committee had a membership of twenty-five, including the entire Pilot Committee group. Its members were knowledgeable in local affairs and broadly representative of the community. The Blue Ribbon Committee had as its function the translation of the findings of the Pilot Committee on needs for change in structure and procedures to general proposals for charter modifications. This Committee viewed its primary task as placing proposals for charter change before the community for discussion and debate.

The Blue Ribbon Committee organized itself into four subcommittees and on February 10, 1969 completed its work. One week later, this Committee finalized its report to the Mayor and Council, making recommendations in four areas. They are set forth in summary form below.

1. **Basic Structure:** The Blue Ribbon Committee believed that the present basic structure of San Diego's government (the council-manager system) is sound. It has proven flexible and efficient in coping with rapid growth in the past, and would appear adaptable to provide for the future economic and social development of the city. However, this does not preclude certain changes within the present framework to make the government a more effective vehicle for producing and guiding growth.
2. **Administrative Agencies:** In analyzing the functions of the agencies and departments organized to deal with the administrative procedures of the city, the Blue Ribbon Committee gave primary emphasis to the suggestions of the Pilot Committee.

It recommended that the City Attorney be an appointive official rather than an elective one as at present, and that he retain his present functions of dealing both with civil matters and with violations of municipal ordinances. The members of the Committee agreed that the Planning and Personnel Directors are effectively meeting the needs of the city government in their present status, therefore, no change was recommended in the position or duties of these two officers.

Because of the rapid development of San Diego with an attendant increase in the number of zoning appeals heard by the Planning Commissioners, this Committee recommended that the planning and zoning functions be separated, thereby affording each commission the membership and time required to cope with urban growth. The Committee recommended that no substantive changes be made in the Charter provisions describing the functions of the Civil Service Commission.

3. **Finance:** The Committee believed that the Charter should be amended to facilitate improved practices in the administration of the City's finances, and that the use of revenue bonds should be broadened. The Committee recommended changes in present provisions relating to the Auditor and Controller and to the Treasurer. Further, the Committee recommended certain procedural changes in municipal purchasing that could be effected without impairing financial safeguards.
4. **Form and Structure of Government:** The Blue Ribbon Committee expressed the view that complex urban problems require strong leadership in city government to develop policies and decisions. Therefore, certain revisions in the position and role of the Mayor were recommended to provide that official with better tools for the exercise of community leadership. This Committee recommended enhancing the leadership position of the Mayor by: 1) granting him the veto power subject to specific override measures and 2) recognizing him as the head of the city government and assigning him responsibility for human relations in the community. This Committee believed the ability of the Mayor to satisfy the needs of executive leadership in San Diego would be increased by authorizing him to appoint members of most boards, commissions and committees without Council confirmation. Further, this Committee recommended that the salaries of the Mayor and Councilmen be raised as they were not commensurate with the responsibilities of these officers. Finally, in answer to the question as to whether or not the general powers given by the Charter are adequate to resolve future problems with which San Diego will be concerned, this Committee believed that there are no restrictions preventing San Diego from carrying out positive intergovernmental relations and that our Charter is adequately structured to permit local government to cope with future demands.
5. **Representation:** To ensure input of creative and diverse ideas from all segments of the city's population and to increase the Mayor's and Councilmen's awareness and capability of dealing with the city's problems, the Blue Ribbon Committee recommended revisions pertaining to citizen representation as follows: 1) nomination and election of Councilmen by districts rather than nomination by district and election at large as is the present practice; 2) apportionment of council districts on the basis



of population rather than on the basis of registered voters as at present; 3) redistricting every five years instead of every ten years as at present.

Finally, the Blue Ribbon Committee proposed a preamble to the charter which would set forth goals or objectives of San Diego's government. It recommended that the Citizens' Convention adopt a preamble and proposed a model in its report.

### **Functions of the Convention**

The Citizens' Charter Convention first reviewed the recommendations of the Blue Ribbon Committee and then began submitting these proposals to the acid test of intensive study. The Convention organized itself into four subcommittees, paralleling those of the previous committee: Administrative Agencies, Finance, Form and Structure of Government, and Representation. The Convention met as a whole to decide policy matters for guidance of the subcommittees and to formulate the recommendations contained in this Report. Review of the Blue Ribbon Committee's recommendations was carried on by the four subcommittees.

The Mayor, members of the City Council, the City Attorney, the City Manager, members of the Planning Commission and other officials were asked for and gave their reactions. Representatives of citizens' groups testified pro and con. Individual members of the Convention spoke to civic and service organizations and sought reactions. Finally, the Convention formed itself into community hearing groups to sound out the feelings of individual citizens in various parts of the city. This last effort was not as successful as had been hoped, but it did bring about fact-to-face interchange with 150 citizens whose views otherwise would not have been heard.

At first glance, the three-stage procedure utilized (Pilot Committee, Blue Ribbon Committee and Citizens' Convention) may appear unnecessarily cumbersome as contrasted with the typical citizens' committee or board of freeholders. Its merit would seem to lie in the continuous refining process that went on because of the infusion of new thinking stemming from the two-step enlargement of the original body. An element of continuity was retained through the continuing service of a small nucleus of members on all three bodies. As has been noted, the Pilot Committee identified some twenty issues needing attention. The Blue Ribbon Committee acted on some of these and decided that others were not of crucial importance. The Blue Ribbon Committee made a number of far-reaching recommendations; for example, veto power for the Mayor and separation of the planning and zoning function through establishment of two commissions in place of the present planning commission. After careful review, the Convention rejected these and a number of other recommendations.

The end result of this continuous process of refinement is a report, the bulk of which, hopefully, represents the views of a majority of the electorate. Most of the recommendations are modest in terms of their effect on form and process of our present municipal government. This is understandable, since the mood of the electorate seems to be receptive only to moderate change. The most controversial proposal made is that which would provide for nomination and election of Councilmen by districts. Debate over this issue was both protracted and heated in the Convention and its subcommittee on representation until the decision was reached, by

a divided vote, to put it before the Council and the people.

Recommendations in this Report are presented in lay language, with the understanding that the drafting of formal amendments to the Charter will be undertaken by the City Attorney at the request of the City Council.

## II MAJOR CONVENTION RECOMMENDATIONS

Many of the Convention recommendations, though analyzed and proposed by separate subcommittees, bear a direct relationship to each other because of their subject content. Therefore, these have been grouped under this heading. Proposed new material is underlined.

### ADMINISTRATIVE OFFICERS

#### City Treasurer

1. Delete the detailed description of duties contained in Section 45, beginning with paragraph 3 and continuing to the end of the section.

#### Purchasing Agent

1. Delete the detailed description of duties contained in Section 35, beginning with paragraph 2, sentence 2, and continuing to the end of that section, except that the last sentence of the final paragraph should be retained.
2. Delete sentence 2 of paragraph 1, Section 94, dealing with contract limitations.

#### Auditor and Comptroller

1. Delete from Section 89 the provision requiring monthly reports to the City Council by the Auditor and Comptroller.
2. Add to Section 85 the following provision “. . . unless otherwise authorized by ordinance upon recommendation of the Auditor and Comptroller.”
3. The title “City Auditor and Comptroller” should be changed to “City Auditor” wherever it appears in the Charter. However, if the combined title “Auditor and Comptroller” is retained, change “Comptroller” to “Controller”.
4. Delete from Section 88 the requirement for monthly reports to the Auditor and Comptroller of all moneys received.

#### City Manager

1. Substitute the following language for the present language of Section 81: “The Manager shall be responsible for establishing internal budgetary allotments based on the allocations contained in the annual appropriation ordinance for each department of the City.”
2. Amend Section 69 to require budget estimates from departments not under the Manager be submitted to him or to such official as he may designate not later than April 1.

### BOARD OF EDUCATION

1. Members of the Board of Education shall be nominated by district and elected at large (Section 66, paragraph 1).

2. If the remaining members of the Board of Education fail to fill a vacancy by appointment within thirty (30) days after the vacancy occurs, they must immediately cause an election to be held. There shall be a primary election in the district in which the vacancy occurs and a general election within the entire school district (Section 66, paragraph 1).
3. The San Diego Unified School District shall be divided into five (5) districts as nearly equal in population as practicable (Section 66, paragraph 2).
4. The Board of Education shall hold a public hearing prior to establishing or revising boundaries of districts for the nomination of candidates for membership on the Board of Education (Section 66, paragraph 2).

## **BONDS**

1. Sections 90.1 and 90.2 (Water and Sewer Bonds) should be combined.
2. The combination of Sections 90.1 and 90.2 should be accomplished by substantial revisions, following these guidelines:
  - a. elimination of duplication of material common to both sections which must be retained;
  - b. deletion of all language held to be no longer needed.
3. If the combination of Sections 90.1 and 90.2 is not legally possible, then the individual sections should be revised to delete all language held to be no longer needed.
4. Add to Section 90 a provision permitting use of revenue bonds for other than water and sewer purposes under general law provisions of the Revenue Bond Act of 1941, as in effect on May 12, 1969, provided that the resulting bond interest and redemption shall be amortized only from the revenue of the project financed by revenue bonds.
5. Add to Section 90 the following provision:  
If any public entity other than the city is to incur bonded indebtedness and there is a contingent liability which may be imposed by law upon the city to levy a city-side ad valorem tax to pay bond interest and redemption in the event that the public entity, other than the city, cannot meet its obligations with respect to such bonded indebtedness, then a vote of a majority of the electorate of the city shall first be required.
6. Delete from Section 92 (Borrowing Money on Short Term Notes) line 10, “. . . and shall not bear a higher rate of interest than five (5) per cent per annum . . .”.

## **CITY COUNCIL**

1. Section 10 should be amended to provide for both nomination and election of Council members by district.
2. Section 4 - Council districts should be apportioned on the basis of population rather than on the basis of registered voters.
3. Section 5, line 8 should be amended to read “. . . at least every five (5) years . . .” instead of redistricting every ten years as now required.

4. Language should be placed in the Charter to the effect that, insofar as possible, the districting process shall not divide whole communities.
5. Section 16 - The present six (6) calendar-day minimum period between introduction and passage of non-emergency ordinances be changed to a twelve (12) calendar-day minimum.
- 6a. Reference to the specific salaries for the Council (and the Mayor) should be removed from the Charter (Sections 12, 24);
- b. A salary review commission be appointed by the Civil Service Commission to make recommendations biennially to the City Council concerning the salaries to be paid to the Mayor and the City Council;
- c. The City Council shall not be permitted to establish salaries in excess of the amounts thus recommended;
- d. The ordinance setting salaries shall not be effective for ninety (90) days;
- e. The adoption of salary changes shall be subject to referendum.
- 7a. Amend Section 71 to require: “A minimum of two (2) public hearings” on the annual appropriation ordinance;
- b. Add to Section 71 the provision that the annual appropriation ordinance be adopted “ . . . not later than the last meeting in July . . .”.
8. Amend Section 12, paragraph 4, line 1 as follows:  
“The Council shall vacate the seat of any Councilman who is absent from eight (8) consecutive meetings or fifty per cent (50%) of any scheduled meetings within a month unless the absence thereof is excused by resolution of the Council.”
9. Delete from Section 103, sentence 2, “ . . . vote of five of the members . . . ” and substitute “ . . . votes of two-thirds (2/3) of the members . . .”.
10. Delete from Section 115, paragraph 3, line 2, “ . . . vote of at least five . . . ” and substitute “ . . . votes of two-thirds (2/3) of the . . .”.

#### **COMMISSIONS, BOARDS AND COMMITTEES**

1. Delete from Section 144 the requirement that one member of the Board of Administration of the Employees Retirement System be “ . . . a resident official of a life insurance company . . . ”.
2. Section 42 be revised to lengthen the terms of Planning Commissioners to four years; and to provide that appointments to the Planning Commission be staggered so that no more than three (3) members are appointed in any one year.
3. Revise the Charter to provide that members of all commissions have staggered terms.
4. Revise the Charter to provide that all members of commissions be limited to two (2) consecutive terms, with one (1) term intervening before they become eligible for reappointment; and this provision shall apply to anyone who has served two (2) consecutive terms



by January, 1972.

5. Revise the Charter to provide that the terms of Commissioners will extend beyond the Mayor's term of office.
6. Delete from Section 43(a) the words " . . . the terms of office of such members shall in no case exceed the elective term of the appointing Mayor."
7. Members of boards and committees, established pursuant to Section 43 shall be limited to a maximum of eight (8) consecutive years in office and the interval of a full term must pass before such persons can be reappointed.
- 8a. Delete requirement " . . . with Council Confirmation . . ." from Sections 41, 42, 43, 43.1, and 115;
- b. Delete the word " . . . technical . . ." from Section 43(b), line 3;
- c. The Council may appoint members to committees, boards, and commissions if the Mayor does not take action within forty-five (45) days;
- d. The Council may remove committee, board and commission members by vote of a majority of the members of the Council.

#### **MAYOR**

- 1a. Section 24 be amended to identify the Mayor as the political and legislative head of the city; and
- b. Delete from Section 24 the following words: " . . . for all ceremonial purposes, by the courts for the purpose of serving civil process, for the signing of all legal documents, and by the governor for military purposes."
2. Add to Section 24: The Mayor be assigned responsibility for human relations leadership of the city.
3. Section 24 be amended to require the Mayor to develop an annual municipal legislative program for presentation to the Council and that he be authorized to develop and propose to the Council other legislative proposals from time to time.
4. Amend Section 117 to authorize the Mayor up to five (5) unclassified assistants, plus a secretary; and that the Mayor be authorized additional unclassified assistants by a two-thirds (2/3) vote of the Council.
5. Reference to the specific salary for the Mayor should be deleted from the Charter (salary to be set in same manner recommended for Councilmen - Section 24).
6. Amend Section 27, deleting the final paragraph, and substituting the following language: "In the event of a vacancy in the office of City Manager, the Council shall fill the same within ninety (90) days after the vacancy occurs and it shall require the affirmative vote of a majority of the members of the Council to appoint a person to the office of Manager; thereafter, the Manager shall be appointed by the Mayor."

### III ADOPTED RECOMMENDATIONS OF CONVENTION SUBCOMMITTEES

Each subcommittee prepared its own agenda, analyzed all the data and suggestions presented, reached its own conclusions and prepared its report. The recommendations of the five subcommittees are, therefore, entered separately in this section.

#### EXECUTIVE SUBCOMMITTEE

The Convention believes that a preamble to the Charter could serve as a reminder to the citizens that there are noble purposes underlying the mundane machinery established by the Charter; therefore, this Convention recommends the adoption of the following statement as a preamble:

It is the purpose of this Charter to provide a system of municipal government which builds on the best of the past while adapting to the challenges and problems of future growth and to the change which occurs inevitably with the passing of time. The government provided by this Charter should support the efforts of San Diego's residents to enhance their community's potential as a desirable place for work and leisure.

This Charter seeks to blend the advantage of professional administration of government through the council-manager system with leadership in city policy-making firmly placed in the hands of officials selected by the citizens through democratic electoral machinery and responsive to the views of all segments of the community.

The Convention further recommends:

1. **That reference to the specific interest rate of five per cent (5%) per annum be eliminated from Charter Section 92 (Borrowing Money on Short Term Notes).**

Inflationary pressures have moved interest rates beyond the 5% maximum fixed in the Charter and it is likely that the rates will remain above that level in the near future. The Convention believes that financial aspects of the City's management would be handled more efficiently and economically by removing the present Charter limitation on interest rates for short-term borrowing, and allowing the City Council, upon advice of the Manager, to determine the rate on interest necessary to meet money-market conditions at any given time.

2. **That Section 27 (City Manager) be revised in the last paragraph to read ". . . The Council shall fill the same within ninety (90) days after the vacancy occurs and it shall require the affirmative vote of a majority of the members of the Council to appoint a person to the office of Manager; thereafter, the Manager shall be appointed by the Mayor."**

The present Charter provides that the Council shall appoint a Manager within sixty (60) days after the office becomes vacant. It does not state what will happen if the Council has not acted by the end of that period.

This proposed revision clarifies the situation by providing an alternate method of appointment if the Council does not act within ninety (90) days. In this way, the possibility of leaving the office of Manager vacant for long periods is reduced.

3. That the recommendations shown in Appendix I, and numbering seventeen (17) in all, be adopted.

These are changes proposed by the City Clerk in order to clarify and improve the language of existing provisions.

4. That the recommendations of a technical nature shown in Appendix II, and numbering thirty (30) in all, be dealt with as the Council sees fit.

#### **ADMINISTRATIVE AGENCIES SUBCOMMITTEE**

After careful analysis and consideration of existing provisions governing the administrative agencies of the City and suggestions for their revisions, the Convention adopted the following recommendations:

1. That Section 42 be revised to lengthen the terms of Planning Commissioners to four years and to provide that appointments to the Planning Commission be staggered so that no more than three members are appointed in any one year.
2. That the Charter be revised to provide that members of all commissions have staggered terms.
3. That the Charter be revised to provide that all members of commissions be limited to two (2) consecutive terms, with one term intervening before they become eligible for reappointment, and that this provision apply to anyone who has served two (2) consecutive terms by January, 1972.
4. That the Charter be revised to provide that the terms of Commissioners will extend beyond the Mayor's term of office.
5. That the words ". . . The terms of office of such members shall in no case exceed the elective term of the appointing Mayor . . ." be deleted from Section 43(a) so that such terms of office can extend beyond the term of the Mayor.

The Convention believes that effective work by citizens and commissions requires both the continuity of approach and understanding of problems gained only through experience, and the opportunity for input of fresh ideas and values from all segments of the community. We think these two requirements will be met better by the changes recommended here. Lengthening terms of office and providing that terms be staggered ensures continuity and understanding. Limiting Commissioners to two consecutive terms, with a four year interval before again being able to serve, ensures increased opportunity for new ideas.

6. That terms of members of boards and committees, established pursuant to Section 43, be limited to two four-year consecutive terms in office and that the interval of a full term must pass before such persons can be reappointed.

The Convention believes that membership on advisory boards and committees should be governed by the same principles as apply to membership on commissions.

7. That Section 31 (Political Activities) be revised to conform to recent rulings of the courts; that when revised, this section should apply to campaigning for elective office and not to appointments to an elective office.

## **FINANCE SUBCOMMITTEE**

The Convention recommends changes in revenue bond finance and elimination of unnecessarily detailed provisions. Its recommendations are:

1. That Sections 90.1 and 90.2 (Water and Sewer Bonds) be combined.

The Utilities Department is moving toward an administrative merger of operations and could effect economies by complete merger. Combination of the two sections could provide a new basis for any future use of water or sewer revenue bonds supported by a common fund.

2. That the Combination of Sections 90.1 and 90.2 should be accomplished by substantial revisions, following three guidelines:

- a. Elimination of duplication of material common to both sections which must be retained;
- b. Deletion of all language held to be no longer needed;
- c. Substitution of new language designed to permit the city to use general law provisions to govern authorization and issuance of future water and sewer revenue bonds.

The Convention believes that much of the language in Sections 90.1 and 90.2 is not needed and recommends deletion as approved by legal advice.

3. That as an alternative if combination of Sections 90.1 and 90.2 is not legally possible or feasible, then these individual sections should be revised as follows:

- a. Deletion of all language held to be no longer needed;
- b. Substitution of new language designed to permit the city to use general law provisions to govern authorization and issuance of future water and sewer revenue bonds.

4. Section 90 (Contracting Bonded Indebtedness):

- a. Add to Section 90 a provision permitting use of revenue bonds for other than water and sewer purposes under general law provisions of the Revenue Bond Law of 1941 as of May 12, 1969. Such provisions to provide that the resulting bond interest and redemption shall be amortized only from the revenue of the project.

At the present time the use of revenue bonds is restricted to water and sewer purposes. As a result, the financing of other revenue producing activities such as the Stadium have been accomplished through the indirect method of joint power agreements. Such agreements do not require voter approval in any form, although ultimate financial responsibility may be theirs. Further, the rate of interest demanded by purchasers of bonds issued under joint power agreements is higher than they demand for revenue bonds approved and issued by the City alone because the risk to the purchaser of the joint power agreement bond is considered to be greater. The revenue bond method is a legitimate method for those activities that are businesslike in nature and the city should be permitted to use this financing method when it appears appropriate, both to the City Council and the majority of the electorate. The Convention recommends approval by a simple majority rather than by a 2/3 majority. In our opinion, the 2/3 requirement encourages use of the joint power agreement which we regard as a less responsible and more expensive alternate. The Convention is not recommending use of the revenue bonds for unlimited purposes, rather it recommends approving use for those activities permitted by State Bond Law of 1941 as presently in force. Any amendments to that Law permitting revenue bond financing for any purpose would not apply to the City of San Diego unless specifically approved by the voters of the city in an amendment to the Charter.

- b. That if any public entity other than the city is to incur bonded indebtedness and there is a contingent liability which may be imposed by law upon the city to levy a city-wide ad valorem tax to pay bond interest and redemption in the event that the public entity, other than the city, cannot meet its obligations with respect to such bonded indebtedness, then a vote of a majority of the electorate of the city shall first be required.**

This is designed to protect the general taxpayers of the city from the obligation to assume bonded indebtedness incurred by a special assessment district under the provisions of the 1915 Local Improvement Act, unless prior approval of the electorate has been obtained.

- 5. That the detailed description of duties contained in Section 45 (City Treasurer) be deleted, beginning with Paragraph 3 and continuing to the end of the section.**

The Convention believes that it is a better policy to eliminate detailed descriptions of duties from the Charter and place such material in ordinances. Such detailed limitations are difficult to adjust to meet changing conditions.

- 6. Section 144 (Board of Administration - Employees Retirement System):**

- a. Deletion of the requirement that one member of the Board of Administration of the Employees Retirement System be a resident official of a life insurance company.**

The Convention differs from the Blue Ribbon Committee's recommendation (to have a resident official of a life insurance company on the Board of Administration of the Employees Retirement System) because he would not



necessarily be a good investment man. The kind of advice which the Blue Ribbon Committee suggestion assumes comes from a life insurance company is actually provided by an outside investment counsel.

- b. Rejection of the recommendation for a consolidation of a single funds commission that would make all investments of city funds.**

The Convention disagrees with the recommendation of the Blue Ribbon Committee on the following grounds:

(1) the consolidation of investment responsibility in a single commission would greatly increase the demands upon the members, making it difficult to get people to serve.

(2) the employees of the Retirement System have a considerable vested interest in the fund and, therefore, should retain the right to advise on its investment.

- 7. That the office of Purchasing Agent be retained as presently described in Section 35, but that the detailed description of duties be deleted, beginning with paragraph 2, sentence 2, continuing to the end of that section, except retain the last sentence of the final paragraph.**

The Convention believes that it is a better policy to eliminate detailed descriptions of duties from the Charter and place such materials in ordinances. The present limits on the purchase of materials between \$1,000 and \$5,000 has been in effect for more than ten years. Present price levels and inflationary trends make these limits unrealistic. Further, the Convention believes that the imposition of specific detailed limitations in the Charter is unwise because of the difficulty of adjusting them to meet changing conditions. We, therefore, recommend deletion of specific detailed limitations under \$5,000.

- 8. That sentence 2 of paragraph 1, Section 94 (Contract Limitations) be deleted.**

The Convention recommendation for deletion of this sentence is based on the arguments put forward in recommendation 7.

- 9. That the office of Auditor and Comptroller be retained as presently described in the Charter, with the following exceptions:**

**a. That the title "Auditor and Comptroller" be changed to "City Auditor" which more accurately describes the functions of the office.**

**b. That if the combined title (Auditor and Comptroller) is retained, change the title to "Auditor and Controller", as "Comptroller" is archaic.**

The Convention concurs with the request of the present Auditor and Comptroller to change to the modern form, "Controller".

- 10. That the following language be substituted for the present language of Section 81 (Allotments). "The Manager shall be responsible for establishing internal budgetary allotments)**

based on the allocations contained in the annual appropriation ordinance for each department of the City.

11. That Section 88, requiring monthly reports to the Auditor and Comptroller of all moneys received, be deleted.
12. That Section 89, requiring monthly reports to the Council by the Auditor and Comptroller, be deleted.
13. That there should be no change in the tax rate limitation in Section 76.

The present property tax rate limit of \$1.34 has never been reached during the past five years. The trend in municipal finance is toward greater reliance on non-property tax revenues so that the present limit appears to be adequate.

14. That Section 126 (Certification of Payrolls) be amended by deleting from the first sentence the words, ". . . the Treasurer shall not pay, nor shall . . .", and by adding to the first line (after "the Auditor and Comptroller") the words ". . . shall not . . .".
15. That Section 68 (Budget and Accounting System) be deleted.

This provision is meaningless.

16. That Section 69 be changed to require budget estimates from departments not under the Manager be submitted to him "not later than April 1."

The departments affected concur in this recommendation.

17. That Section 71 be amended to require "a minimum of two public hearings" on the Annual Appropriation Ordinance, and that this section be further amended by adding the provision that the Annual Appropriation Ordinance be adopted "not later than the last meeting in July".

This change spells out the number of public hearings required and changes the deadline for adopting the Annual Appropriation Ordinance from the first to the last Council meeting in July, thus giving additional time for budget consideration.

18. That the City Attorney devise the necessary language for Section 80 (Money Required to be in Treasury) that will eliminate the use of the term "certificate" but will still provide adequate safeguard.

There are adequate safeguards without the use of certificates by the Auditor and Comptroller.

19. That the following language be deleted from Section 76 (Limit of Tax Levy), lines 5 and 6, ". . . pension funds herein provided for the Police and Fire Departments and the . . .".

This provision is no longer applicable.

20. That the words, ". . . except for the use of the Harbor Department . . ." be deleted from

**Section 77 (Capital Outlay Fund), paragraph 4.**

The Harbor Department no longer exists.

21. That the words “. . . and Subsection (h) of Section 69 of this Article . . . ” be deleted from Section 84, line 5.

The section referred to has been removed from the Charter.

22. That the following changes be made in provisions relating to the disposition of funds collected by City officers and employees:

- a. That the following provision be added to Section 85 (Daily Deposits of Money), “. . . unless otherwise authorized by ordinance upon recommendation of the Auditor and Controller”;
- b. The first sentence of Article 86 (Disposition of Public Moneys) is superfluous and should be deleted.
- c. The following provision should be added to the second sentence of Section 86 (after the words “. . . shall be credited to the General Fund of the City . . . ”): “. . . or that fund from which the unclaimed moneys would have been paid.” The word “such” between “all” and “moneys” beginning with sentence 2, line 11, should be deleted.

**FORM AND STRUCTURE OF GOVERNMENT SUBCOMMITTEE**

The Convention proposes revisions to the Charter strengthening the policy leadership of the Mayor and providing a more flexible approach to determining the salaries of the Mayor and members of the City Council. Its recommendations are:

1. That Section 24 be amended to identify the Mayor as the political and legislative head of the City and that the words “for all ceremonial purposes, by the courts for the purpose of serving civil process, for the signing of all legal documents, and by the Governor for military purposes” be excluded from the Charter.
2. That the words “with Council confirmation” be deleted from Sections 41, 42, 43, 43.1 and 115 of the Charter, and that the word “technical” be removed from Section 43(b), line 3; that the Council may appoint members to committees, boards and commissions if the Mayor does not take action within forty-five (45) days; that the Council may remove committee, board and commission members by a majority vote of the members of the Council.
3. That Section 24 be amended to require the Mayor to develop an annual municipal legislative program for presentation to the Council and that he be authorized to develop and propose to the Council other legislative proposals from time to time.

The Convention believes that the primary challenge to municipal government in San Diego is the provision of responsible and responsive leadership in coordinating diverse community interests into the development of meaningful policy goals for the city. We further believe that this kind of leadership can be provided only by the chief elected official, chosen by a majority of the

voters of the entire city, and accountable to the entire city. These recommendations seek to advance this goal by strengthening the policy leadership role of the Mayor. The language proposed would clearly identify the Mayor as such a leader and would charge him with fulfilling the obligations of that role. Protection against irresponsible use of the power to appoint members of commissions and boards is afforded by the power of the Council to remove members of boards and commissions.

4. **That the Mayor be authorized up to five (5) unclassified assistants, plus a secretary; and that the Mayor be authorized additional unclassified assistants by a two-thirds (2/3) vote of the Council.**

If the Mayor is to give the kind of leadership envisioned in recommendations one through three above, he must be given the assistance needed to operate effectively. As the city continues to grow, so will demands upon the Mayor, and the Convention believes it is good practice to permit further staff increases as they may be deemed necessary by the extraordinary majority of the City Council. Because of the policy aspects of much of his responsibility, it is important that the Mayor be permitted to choose assistants in whom he has personal confidence and who may represent varying segments of the community.

5. **That reference to the specific salaries for the Mayor and Council should be removed from the Charter; that a salary review commission be established to make recommendations biennially to the City Council concerning the salaries to be paid to the Mayor and Council and that this commission is to be appointed by the Civil Service Commission of the City from among qualified electors of the City of San Diego; that the Council not be permitted to establish salaries in excess of the amounts thus recommended; that the ordinance setting salaries not be effective for ninety (90) days, and that the adoption of salary changes be subject to referendum.**

The Convention believes that it is unwise to put specific salary figures into a Charter. Salaries so determined may be adequate at the time they are established, but it is difficult to make adjustments to meet changed work loads or economic conditions. The office of Councilman in San Diego today demands full time attention, while the salary remains at a level set for a smaller city with lesser demands upon the Mayor and Council members.

An independent salary commission appointed by the Civil Service Commission would be in a position to make an objective recommendation of salary levels appropriate for both Mayor and Council members. The Council, as the elected representatives of the citizens, could then act within the limits of that recommendation. A further safeguard against excessive salaries is provided by making the ordinance changing these salaries subject to referendum, and by extending from 30 to 90 days the waiting period before such an ordinance would become effective.

## REPRESENTATION SUBCOMMITTEE

The Convention proposes revisions designed to increase and facilitate effective citizen representation in the government of San Diego. Its recommendations are:

1. **That Section 10 (Elections) be amended to provide for both nomination and election of Councilmen by districts.**

The Convention believes that the present system of nominating Councilmen by districts and electing them on a city-wide basis should be changed for several reasons.

(1) Under the present system it is difficult to introduce for Council consideration ideas and proposals which may be of interest to groups in a particular district, but which may be opposed by the voters of the city as a whole. District election would encourage, or even require that a Council member bring before the Council all proposals favored by a significant number of his constituents. This would increase the input of innovative ideas, would bring greater consideration of the specific problems, needs and goals of particular parts of the city, and would broaden the representative character of the Council.

(2) Extensive testimony by a large number of citizens was unanimous in stating the belief of San Diego's ethnic minorities that the present system does not provide them with meaningful participation or representation. It is imperative that these citizens have confidence in the responsiveness of San Diego's government and in their ability to affect its policy decisions through participation in the democratic processes.

(3) In the judgment of this Convention, nomination and election of Councilmen by district will tend to further the desire of communities within the city to greater attention to their specific needs.

2. **That Council districts should be appointed on the basis of population rather than on the basis of registered voters.**

This is in accord with the U. S. Supreme Court rulings regarding apportionment on the basis of one-man, one vote, and will eliminate the substantial disparities of population which now exist between districts.

3. **That Section 5 (Redistricting) be amended so that line 8 reads "At least every five (5) years" instead of redistricting every ten (10) years as presently required.**

4. **That language be placed in the Charter to the effect that insofar as possible, the districting process shall not divide whole communities.**

Population growth in San Diego frequently has come rapidly and in new areas causing substantial shifts in the population distribution patterns. Similar growth is likely to continue in the future, and the Convention believes that it is necessary to make adjustments in district boundaries at least once every five (5) years in order to maintain approximate equality of population.



**5. That Charter sections relating to filling vacancies remain as now stated.**

The Convention believes that the present method of filling vacancies on the Council is adequate, both for single and multiple vacancies.

**6. That the present six (6) calendar-day minimum period between introduction and passage of non-emergency ordinances be changed to a twelve (12) calendar-day minimum.**

The Convention believes that the present six (6) calendar-day minimum period between introduction and passage of non-emergency ordinances does not provide enough time for individuals and groups to be informed of the action and to make their reactions known to the City Council. Extension of the minimum period to twelve days would provide greater opportunity for citizens to affect final action on the proposed ordinance.

## IV OTHER MAJOR RECOMMENDATIONS

As its general sessions, the Convention adopted several additional recommendations which had not been presented by subcommittees. These recommendations are:

1. **That the Mayor be assigned the responsibility for human relations leadership of the City.**

As a part of his responsibility to provide political leadership, the Mayor inevitably is deeply involved in the areas of receiving and mediating citizen grievances, maintaining formal and informal liaison with various citizens' groups and agencies concerned with the social and human problems of the city, and developing innovative ways to improve communications between diverse segments of the community, as well as between citizens and their municipal government.

The Convention believes that these should be emphasized by a Charter provision specifically providing that the Mayor shall provide such leadership.

2. **That Section 66 (Board of Education) be amended to include a provision that the Board of Education hold public hearings prior to all changes of school districts.**

Present Charter language does not require public hearings prior to redrawing school district boundaries, and the Convention believes that such an important decision should not be made without requiring opportunity for citizen input.

3. **That Section 66 (Board of Education) be revised to provide that the Board of Education members be nominated by district and elected at large.**

The Convention believes that the best interests of the children of San Diego will be served by retaining the present method of electing members of the Board of Education. The present language of Section 66 states that Board of Education members ". . . shall be nominated and elected . . . at the same time and under the same procedure as . . . Councilmen". We have recommended that Councilmen be nominated and elected by district so that specific provision must be for retaining nomination by district and election at large in the case of members of the Board of Education.

4. **That Section 66 (Board of Education) be revised to provide the redistricting of school districts be by population instead of by registered voters.**

This is in accordance with the Convention's recommendation for apportioning Council districts on the basis of population.

5. **That the major substantive issues proposed by this Convention be submitted to the electorate at a single election.**

Many of the individual recommendations contained in this report were considered in the light of other recommendations, as part of an overall approach

to the improvement of San Diego's government. The Convention, therefore, wishes to state strongly its conviction that the major substantive issues should be presented to the electorate at a single election in order to provide a comprehensive view of what emerged from the entire Charter Review process and to reduce the possibility of placing before the voters only portions of the total major recommendations.

## APPENDIX I

### MISCELLANEOUS CHANGES AND REMOVAL OF OBSOLETE PROVISIONS

The changes listed below were proposed by the City Clerk and adopted by the Convention. Because of their diversity, they could not be classified under any other heading.

- 1a. Section 126 (Certification of Payrolls) be amended by deleting from line one the words “. . . the treasurer shall not pay, nor shall . . .”;
- b. by adding to line one (after the words “the Auditor and Comptroller”) the words “. . . shall not . . .”.
2. Delete Section 68 (Budget and Accounting System).
3. The City Attorney devise the necessary language for Section 80 (Money Required to be in the Treasury) that will eliminate the use of the term “certificate” but will still provide adequate safeguard.
- 4a. Delete sentence one of Article 86 (Disposition of Public Moneys).
- b. Add the following provision to Section 86, sentence 2, after the words “. . . shall be credited to the general fund of the city . . .”: “. . . or that fund from which the unclaimed moneys would have been paid . . .”. The word “such” between “all” and “moneys”, sentence 2, line 11, should be deleted.
5. Revise Section 31 (Political Activities) to conform to recent rulings of the courts; when revised, this section should apply to campaigning for elective office and not to appointments to an elective office.
6. Section 7 (Elective Officers): Substitute “taking office” for “election” or “appointment” as a residence requirement where appearing in this section.
- 7a. Section 12 (Council): Amend paragraph 2, lines 3 and 4 to read: “. . . the term of four years from and after 10 :00 A.M. the first Monday after . . .”.
- b. Paragraph 2, line 10: change word “shall” to “may”.
- c. Add a provision waiving the one-year residency requirement if redistricting takes place so that those persons residing in affected districts contiguous to the redistricted areas will be eligible to become candidates.
- d. Paragraph 3, line 2: amend to specify that primary and general elections are required in the event a special election is called to fill a vacancy (this is recommended if the system of electing city councilmen at large is retained).
- 8a. Section 13 (Meeting of the Council): paragraph 1, sentence 1, line 3: change “regular” to “regularly” and add the word “scheduled” between “regularly” and “meeting”.
- b. Paragraph 1, sentence 2, line 3: change “regular” to “regularly” and add the word “scheduled” between “regularly” and “meeting”.

- c. Paragraph 2, sentence 1, line 1: add the following words (after "all legislative action shall be by ordinance . . .") ". . . or resolution except where otherwise required by the Consitution, General Law, or this Charter." (Delete: ". . . except where otherwise required by the Constitution or laws of the State of California.").
- d. Paragraph 3, delete sentence 2 and substitute the following sentence: "Special meetings shall be held in compliance with State Law."
- 9. Section 18 (Authentication and Publication of Ordinances and Resolutions): Delete the present language and substitute the following: "Upon its adoption, each ordinance or resolution shall be authenticated and filed in the office of the City Clerk. Upon its adoption, each ordinance or resolution of a general nature shall be published at least once in such a manner as may be provided by this Charter or by ordinance."
- 10. Section 38 (City Clerk): Amend sentence 2, line 3, as follows: add ". . . unless he authorizes another department to retain the same" (between ". . . ordinances of the City . . ." and ". . . including the journal . . .").
- 11. Section 41 (Commissions): Paragraph 1, delete sentence 2.
- 12. Sentence 66 (Board of Education): paragraph 1, line 7 and lines 9 and 10: delete ". . . preceding his election or appointment . . ." and substitute the words ". . . taking of office . . .".
- 13. Section 69 (Fiscal Year and Manager's Estimate): paragraph 2, sentence 1, line 2: add words ". . . examination or . . ." between words ". . . prepared, for . . ." and ". . . distribution to . . .".
- 14. Section 90 (Contracting Bonded Indebtedness): paragraph 1, sentence 1, line 15: where the required vote of the Council appears to be five members, change to ". . . 2/3 of the members . . ." to conform to state law.
- 15. Section 110 (Claims Against the City): paragraph 2, line 4: delete words ". . . filed with the Auditor and Comptroller . . ." and substitute words ". . . filed with the City Clerk . . .".
- 16. Section 113 (Official Advertising): paragraph 1, line 3: delete words ". . . for ten days . . .".
- 17a. Section 211 (Oath of Office): paragraph 1, line 3: delete words ". . . the following oath or affirmation . . ." and substitute the following words: ". . . an oath as provided by the Constitution or General Law of the State."
- b. Paragraph 2: delete entire paragraph.

#### **REMOVAL OF OBSOLETE PROVISIONS**

- 1. Section 76, lines 5 and 6: delete the following words: ". . . pension funds herein provided for the Police and Fire Departments and the . . .".
- 2. Section 77, paragraph 4, line 2: delete the following words: ". . . except for the use of

the Harbor Department”.

3. Section 84, line 5: delete the following words: “. . . and subsection (h) of Section 69 of this Article . . .”.
4. Section 216: delete entire section.



## APPENDIX II

### TECHNICAL CHANGES

Additional changes were submitted by the City Clerk to clarify language and eliminate ambiguities. As these items make no substantive revisions whatsoever, they are forwarded by the Convention with the suggestion that they be acted upon by the City Council.

| <u>Section</u> | <u>Comments</u>  |
|----------------|--|
| 4              | Eliminate reference to 1965 Election.  |
| 7              | Eliminate the last portion of paragraph two relating to the 1965 Election.   |
| 9              | Eliminate entire section, as nominations are provided for via the Election Code which is authorized by Section 8.  |
| 10             | Eliminate the reference to the filing of an official bond, as one is not required.<br><br>Substitute the word "day" for the word "Monday" in the first paragraph in order to be consistent with the language used in Section 12.<br><br>Eliminate the words "all of" in the fifth paragraph as they are unnecessary. |
| 16             | The reference to the reading of ordinances is contained in a poorly worded sentence which should be revised.   |
| 17             | The second sentence should be reworded to provide that ordinances shall not take effect in less than 30 days " <u>from and after</u> " their adoption.<br><br>The last word in the second sentence should be " <u>adoption</u> " rather than "passage".  |
| 22             | Eliminate the subsection letters.  |
| 23             | Substitute the word " <u>Municipal</u> " for "City" in describing primary and general elections.   |
| 26             | Eliminate the first sentence as it refers to the 1931 Election.  |
| 40             | Eliminate the reference to the 1963 Election.  |
| 53             | The reference in the first paragraph to Section 109 should be deleted as this Section has been repealed.   |
| 66             | Eliminate "present members" sentence in the first paragraph.<br><br>Eliminate the first primary reference in the second paragraph.<br><br>Eliminate the reference to the 1966 Election in the third paragraph.   |
| 70             | With reference to the first sentence, the four officials mentioned should not be listed.   |
| 71             | With reference to the last sentence, a provision should be made for publishing once in the "City Official Newspaper" as there are various means of publishing ordinances.  |



| <u>Section</u> | <u>Comments</u>   |
|----------------|---|
| 77             | Eliminate reference in the last paragraph to Harbor Department.   |
| 77(a)          | Add title " <u>ZOO TAX</u> ".   |
| 80             | Provide that all certificates be filed with the City Clerk.   |
| 90.1           | With reference to subsection 4, substitute <u>one</u> publishing requirement for the two now stated.  |
| 90.2           | Add title " <u>SEWER REVENUE BONDS</u> ".<br>With reference to subdivision "C", substitute one publishing requirement for the two now stated.   |
| 99.1           | Should this section be reworded or eliminated?  |
| 104            | Eliminate the first sentence as it refers to the 1931 Charter.<br><br>As the City Clerk rather than the City Manager keeps franchises, the paragraph should be reworded to reflect this practice.   |
| 113            | This section should provide that the Purchasing Agent rather than the City Clerk publish notice inviting bids.  |
| 114            | In that the City Manager rather than the City Clerk prepares the annual report, reference to the Clerk should be dropped.   |
| 115            | Eliminate the reference to the drawing of lots for initial terms, as this applies to the 1931 Charter.  |
| 117            | Those officials listed by numbers 6, 8, 9, 11 and 12 should be eliminated as they are provided for under the general description of Item three. Item seven may also be provided for under the general description of Item three.<br><br>Eliminate the reference to the 1963 Election in the last paragraph.   |
| 118            | Eliminate the posting requirement.<br><br>Eliminate the last paragraph as it refers to the 1931 Charter.  |
| 143.1          | Add title " <u>MEMBERS VOTE REQUIRED</u> ".   |
| Article X      | Add title " <u>POLICE AND FIRE RETIREMENT SYSTEM</u> ".   |
| 212            | Eliminate the last sentence of the first paragraph as it refers to the 1931 Charter.<br><br>Eliminate the last sentence of the second paragraph as it refers to the 1931 Charter.<br><br>Voters are referred to in the Charter in a variety of ways, including: "electors", "qualified voters", "qualified electors", and "voters". We should standardize the term "voters" and the change should be reflected in the following sections: 17, 78, 90, 90.1, 90.2, 99 and 219. |

## APPENDIX III

### GUESTS OFFERING INFORMATION AND RECOMMENDATIONS TO THE CONVENTION SUBCOMMITTEES

#### Administrative Agencies

Planning Commission - City of San Diego  
R. F. Bachman, Chairman  
George H. Foster  
Vernon H. Gaston  
Earl T. Pridemore  
Frank A. Thornton  
James Goff, Planning Director - City of San Diego

Edward T. Butler, Scholl-Butler-Boudreau & Gore, Attorneys,  
former City Attorney, City of San Diego  
Eugene Cook, Consulting Engineer  
Richard E. Donovan, Judge of the Municipal Court  
Henry L. Landt, Councilman, Third District  
Richard Weiser, Vice President - Rancho Bernardo Corporation  
John W. Witt, City Attorney - City of San Diego

#### Finance

Brian Newman-Crawford, Attorney - City of San Diego  
Gordon J. Feeley, Treasurer - City of San Diego  
Walter Hahn, Jr., City Manager - City of San Diego  
John Mattis, Purchasing Agent - City of San Diego  
W. G. Sage, Auditor and Controller - City of San Diego  
Robert Teaze, Assistant City Attorney - City of San Diego

#### Form and Structure of Government

Helen Cobb, Councilman First District  
Frank Curran, Mayor - City of San Diego  
Ivor de Kirby, Chairman - Subcommittee on Administrative Agencies,  
former San Diego City Councilman  
Walter Hahn, Jr., City Manager - City of San Diego  
Allen Hitch, Councilman Seventh District  
Henry L. Landt, Councilman Third District  
Sam T. Loftin, Councilman Second District  
Bob Martinet, Councilman Sixth District  
Floyd L. Morrow, Councilman Fifth District  
Mike Schaefer, Councilman Eighth District  
Jack Walsh, San Diego County Supervisor  
Leon L. Williams, Councilman Fourth District  
John W. Witt, City Attorney - City of San Diego

## Representation

Edward T. Butler, Scholl-Butler-Boudreau & Gore, Attorneys,  
former City Attorney, City of San Diego  
Dallas Clark, Executive Director - Economic Development Corporation  
Ivor de Kirby, Chairman - Subcommittee on Administrative Agencies  
Walter Hahn, Jr., City Manager - City of San Diego  
Al Harutunian, San Diego Stadium Authority - former Planning Commissioner  
Frederick Horn, Department of Political Science - San Diego Mesa College  
Ruby L. Hubert, Executive Director - Neighborhood House Association  
Thomas Johnson, Supervisor-Minority Relations - Pacific Telephone  
Henry L. Landt, Councilman Third District  
John Leppert, San Diego Taxpayers Association  
Bob Martinet, Councilman Sixth District  
Clinton McKinnon, Owner - The Sentinel Newspaper  
Geraldine Rickman, Director - Community Opportunities Program in Education  
Maria Sardines, Professor of Social Work - San Diego State College  
Henry Scheidle, San Diego County Supervisor - former City Councilman  
Herbert Solomon, President - American Housing Guild  
Jack Walsh - San Diego County Supervisor - former City Councilman  
Carrol Waymon, Executive Director - Citizens' Interracial Committee  
Leon L. Williams, Councilman Fourth District  
Board of Education  
    Louise Dyer, President  
    Dr. G. French  
    Arnold O. Steele

## APPENDIX IV

### CONVENTION WORK OUTPUT

This Convention was established with a membership of fifty-five persons. It completed its assignment with a membership of forty-seven. Eight members have been lost due to illnesses and other commitments. Those eight are given a vote of thanks for their efforts.

The Citizens' Convention and its subcommittees met at a total of forty-seven (47) official sessions, the last two of which were called to discuss and vote on the final report. Of those, the Convention met as an entire body six (6) times; the subcommittees, working at sessions, met as follows:

|                         |    |
|-------------------------|----|
| Administrative Agencies | 9  |
| Finance                 | 6  |
| Form and Structure      | 10 |
| Representation          | 12 |
| Executive               | 4  |

Meetings were only a part of the tasks of the members. In order to derive maximum input of ideas, one of the subcommittees (Representation) mailed out a research questionnaire on "Methods for Selecting Councilmen" to forty-four (44) civic organizations and associations. Analyzing the returns was a challenging job in itself.

As stated previously, Community Hearing Groups (six in all) were organized to obtain direct citizen input to the Convention from the various communities prior to that body's resolving its final recommendations. Eight hearings were held, totalling over one hundred-fifty (150) interested persons.

Diverse opinions and suggestions were heard from fifty-four (54) individuals who represented themselves, their organizations, municipal and county government. Weighing the testimony of each one of these guests became the duty of the members of the subcommittees to whom the testimony was given.

The willingness of the members to apply themselves to the tasks at hand is a testimonial to the oft-spoken description of this Convention, that is, "a hard-working group of civic-minded citizens."

