

FINAL REPORT AND RECOMMENDATIONS
OF

SAN DIEGO CHARTER REVISION COMMITTEE 1973
August 22, 1973

SAN DIEGO CHARTER REVISION COMMITTEE 1973

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August 16, 1973

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The Honorable Mayor
and Council
Administration Building
Community Concourse
San Diego, California 92101

Gentlemen:

This letter and the enclosures constitute the report to you of the San Diego Charter Review Committee 1973. The Committee, eight of whom were appointed by members of the City Council and seven of whom were appointed by the Mayor, commenced its work on June 7 and concluded its deliberations on August 14. We held 23 meetings, heard testimony from 24 organizations and 38 individuals, and received 33 written communications. Additionally, there was made available to us the reports of Charter Review Committees as well as the Charters and proposals for Revision of Charters of other cities in the United States.

The Review we made of the Charter focused primarily on the form and structure of San Diego City Government, i.e., the relationships, the responsibilities and authorities of the office of Mayor, Council and City Manager. Other related issues concerned the manner of election of City Councilmen, salaries of the Mayor and the Council, employer-employee relationships, Civil Service status for Firefighters, the need for additional staff assistants for the Mayor and the Council, reestablishment of the office of City Engineer and the reaffirmation in the Charter of the concept that membership on City Commissions should be made with a view towards sex, race and geographic areas to the end that such Commissions represent the entire community.

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Attached to this letter are a series of proposed amendments to the Charter, all of which we recommend be placed before the electorate at the November election. As will be seen from the first two pages of the attachment, our suggested proposals constitute nine propositions to be placed on the ballot. Each proposition stands on its own, that is, its passage or failure will not affect the passage or failure of any one of the other propositions.

Proposition A

Proposition A, if enacted, would result in the following changes:

The Mayor

Is removed from the Council and is no longer a member of that body.

Becomes Chief Executive Officer of the City.

Has the power to veto ordinances enacted by the Council including a line by line veto of the budget, but has no power to veto zoning ordinances, emergency ordinances, ordinances calling elections, ordinances establishing tax levies and any ordinance requiring a vote of two-thirds or more of the Council to enact.

Causes the budget to be prepared by the City Manager and submits the same to the Council on or before March 1 of each year.

Is empowered to appoint the City Manager with concurrence of a majority of the City Council and has the power to terminate the employment of the City Manager subject, however, to Council concurrence.

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The Council

Is the legislative body of the City.

Is increased to nine members and the City is redistricted into nine districts.

Selects one of its members to serve as President of the Council for such term and with such powers as the Council may direct.

Has the power, sitting as a Committee of the whole, to inquire into the efficiency and adequacy of the functioning of departments of the City.

Fills Mayor and Council vacancies by appointments, but if unexpired term of vacated office is more than one year, a special election must be called and candidate receiving highest number of votes is elected.

Appoints a legislative analyst.

The Manager

As Administrative Officer of the City, reports directly to the Mayor. Is required to be a professionally qualified person of proven administrative ability.

Prepares the budget under the direction of the Mayor.

Continues to be responsible for the administrative service with the same powers and responsibilities as presently vested in him under the existing Charter.

Is relieved of policy-making role.

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Proposition B

This proposition if enacted would provide for the nomination and election of Councilmen by District. The passage or failure of this proposition would not affect Proposition A, or any other Proposition.

Proposition C

This proposition if enacted would provide for establishing a redistricting commission and provide for the districting of the City by population as is required under law.

Proposition D

This proposition if enacted would establish a salary setting commission consisting of seven members to be appointed by the Civil Service Commission who would be charged with the biennial duty of making recommendations to the City Council for the enactment of an ordinance establishing the salaries of the Mayor and the Council members. The first such recommendation would be required to be made on or before July 1, 1974. While the Council upon receiving the recommendations is authorized to decrease the amounts recommended, in no circumstances may it increase such amounts. Further, any ordinance establishing salaries is subject to the referendum and upon a sufficient petition being filed, the effectiveness of the ordinance would be immediately suspended and the same would then be put before the electorate at the next general statewide election.

Proposition E

This proposition if enacted would establish an employee-employer panel of five members to which

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would be referred any impasse in negotiations between the City and its employees or their representatives seeking to establish wages, hours and conditions of employment. The panel would act as a fact-finding body empowered to make recommendations to both sides. Should the parties be unable to agree, then the issue is submitted to the City Council. Proposition E would also eliminate the present obligation of the Civil Service Commission to make recommendations on wages and salaries.

Proposition F

This proposition if enacted would provide for other employee grievances to be referred to arbitration, the results of which would be final and binding on both the City and the employees.

Proposition G

The 1931 Charter provided that Firefighters would be employed through the Civil Service process, but thereafter the terms and conditions of their employment would be governed by a separate merit system. This proposition would eliminate the separate merit system for the Firefighters and bring them into the Civil Service system established by the City for all of their employees.

Proposition H

This proposition if enacted would enable the Mayor and the Council to employ unclassified assistants without limit as to number.

Proposition I

This proposition if enacted would require appointing

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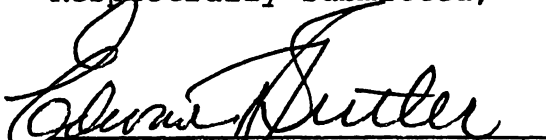
authorities to take into account sex, race and geographical areas of the City and the making of appointments to Boards, Commissions and Committees to the end that such entities would reflect the entire community. Additionally, this proposition would include both sexes in any reference to the masculine gender.

CONCLUSION

While the Committee is unanimous in its recommendations to you to cause all of the Propositions to be placed on the November ballot, it does not follow that all of the votes taken by the Committee with respect to the proposals before you were unanimous. Indeed, debate was vigorous, occasionally heated and some split votes resulted. Members of the Committee as individuals, citizens and voters reserve the right to themselves as to what public positions, if any, they might choose to take on the various Propositions. The Committee is, however, satisfied that the proposals contained in the Propositions reflect concerns of a substantial number of our citizens on which the electorate at large ought to be given the opportunity to express its views.

The signatures of the Committee members are attached to this Report as page 7.

Respectfully submitted,



EDWARD T. BUTLER

Chairman

The Honorable Mayor
and Council
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The undersigned constitute all the members of the
San Diego Charter Revision Committee 1973:

EDWARD T. BUTLER
Chairman

JOHN C. LEPPERT
Vice Chairman

GEORGE BABILOT

DELROY M. RICHARDSON

HARRY E. FARB

TRISH MAINO

E. MILES HARVEY

JOYCE BEERS

MICHAEL IRA GREER

JIM McFARLAND

KARL ZOBELL

R. R. RICHARDSON

PHILIP del CAMPO

MICHAEL H. WALSH

EBEN W. DOBSON

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SECTION 4. DISTRICTS

For the purpose of electing members of the Council, the City shall be divided into nine Districts, as nearly equal in population as practicable. After the first redistricting following the effective date of this section, the boundaries of such districts shall be subject to alteration and change under the provisions of this Charter.

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

The provisions of this section shall govern redistricting unless this Charter is amended at the 1973 general municipal election or any municipal election held thereafter, to provide for a different procedure for redistricting, in which event the provisions of such amendment shall prevail over this section.

SECTION 7. ELECTIVE OFFICERS

No person shall be eligible to or hold any elective office of the City, either by election or appointment, unless he shall have been a resident and elector of the City for at least one year next preceding his election or appointment.

In addition to the foregoing qualifications, every Councilman must have been at the time of his election or appointment an actual resident in the district for one year immediately preceding his election or appointment. Any Councilman who moves from the district of which he was a resident at the time of his election or appointment forfeits his office, but no Councilman shall forfeit his office as a result of redistricting.

SECTION 11. LEGISLATIVE POWER

All legislative powers of the City shall be vested in the City Council subject to the terms of this Charter and of the Constitution of the State of California, except such legislative powers as are reserved to the people by this Charter and the Constitution of the State.

No ordinance subject to the Mayor's veto shall become effective until he approves it. All such ordinances passed by the Council shall be signed by the City Clerk and presented to the Mayor for his approval. If he approves it, he shall within ten days after receiving it, sign it and return it to the City Clerk, and it shall become effective at the time provided by law. If he disapproves it he shall, within ten days after receiving it, specify his objections in writing and return it to the City Clerk. The City Clerk shall place the ordinance, together with such disapproval and objections before the Council for reconsideration not later than the second regular meeting subsequent to the date on which the Clerk receives the ordinance. The Council shall vote on the ordinance within 30 days after it is presented. If two-thirds of the members of the Council approve the ordinance, it shall become effective at the time provided by law. If the ordinance fails to receive approval by two-thirds of the members of the Council, it shall not become effective. If the Mayor fails to approve or disapprove an ordinance and fails to return it to the City Clerk within ten days after receiving it, the ordinance shall take effect at the time provided by law.

SECTION 12. THE COUNCIL

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

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

(Section 12 - Continued)

councilmen. The City shall be initially divided into nine Council Districts on or before February 15, 1974. A special election shall be held on or before May 7, 1974, to fill the vacancy created thereby, and the person elected shall serve for a term expiring December 5, 1977. The candidate receiving the highest number of votes shall be declared elected.

The one-year district residency requirement of Section 7 of this Charter shall not apply to a person, herein called "prospective candidate" who seeks to be a candidate for election or appointment to the office of councilman and is otherwise eligible for the office, if all of the following conditions apply: A redistricting has occurred less than one year before prospective candidate, if elected or appointed, would take office; as a result of the redistricting, the district of prospective candidate's residence has changed to a district in which no councilmanic election will be held at the next succeeding municipal election; prior to filing his candidacy for election or appointment, prospective candidate moves his residence into a district bordering upon the district into which prospective candidate's residence has been placed by the redistricting.

If a vacancy occurs in any councilmanic district, and the unexpired term of the vacated seat is one year or more, the Council shall within 30 days after the vacancy occurs, call a special election in the district to fill the vacancy for the unexpired term. The candidate receiving the highest number of votes shall be declared elected. If the term of the vacated

(Section 12 - Continued)

seat is less than one year, the Council shall within 30 days after the vacancy occurs, appoint a resident of the district to fill the vacancy for the unexpired term. The person so appointed shall not be eligible to run at the next succeeding election for the office to which he was appointed. If the Council fails to fill the vacancy within 30 days after the vacancy occurs, it shall call a special election in the district to fill the vacancy for the unexpired term. The candidate receiving the highest number of votes shall be declared elected.

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

The rate of pay of each councilmen shall be \$5,000.00 per year unless and until the same is changed from time to time by another provision of this Charter.

No councilman shall be eligible during the term for which he was appointed or elected to hold any other office or employment with the City while holding office as a councilman, except as a member of any Board, Commission or Committee thereof, of which he is constituted such a member by general law or by this Charter.

SECTION 21. LEGISLATIVE ANALYST

There is hereby established the office of Legislative Analyst as a department of the City. The Legislative Analyst shall be appointed by the Council and shall be subject to removal by the Council. Such department shall obtain information, provide research capabilities and shall perform such other duties prescribed by the Council.

8/11/73

SECTION 25. COUNCIL PRESIDENT

The Council shall select one of its members who shall be President of the Council. The President shall preside over all Council meetings, assume the duties of the Mayor in the Mayor's absence or disability and perform such other duties as may be prescribed by law. The Council shall also select one of its members as a President Pro Tem to perform the President's duties in the President's absence or disability.

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

(a) No member of the Council shall directly or indirectly attempt to influence or coerce any person 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 to be appointed or confirmed by the Council, the matter of appointments to City offices or employment, or attempt to extract any promise from such candidate relative to any such appointment, employment or confirmation.

(b) No individual member of the Council shall interfere with the conduct of the administrative service for which the City Manager or independent department head is responsible. Inquiries by individual members of the Council shall be made through the City Manager or independent department heads or representatives designated by any of them for that purpose. The Council may, however, sitting as a committee of the whole, conduct investigations into the operation of the City Manager's office, the offices under his jurisdiction, or the office of independent department heads, except the Mayor and the City Attorney. Such investigations shall be limited to the efficiency of the functioning and the adequacy of the services provided by such offices.

(c) A violation of the provisions of this section by any member of the Council shall constitute a misdemeanor for which the offending member may be removed from office by the Council

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or for which the offending member may be tried by any court of competent jurisdiction and if found guilty, the sentence imposed shall include removal from office.

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SECTION 24. MAYOR

The Mayor shall be the chief executive officer of the City, and shall be recognized as the official head of the City for all purposes. He shall perform all duties prescribed by this Charter or otherwise by law. On or before the 15th day of January of each year, he shall orally communicate to the City Council a statement of the conditions and affairs of the City, and make specific recommendations for legislation on such matters which he deems expedient and proper. On or before the first business day in March of each year, he shall cause to be submitted to the Council a budget relating to the fiscal affairs of the City for the ensuing fiscal year.

The Mayor shall not be a member of the Council and shall have no right to vote on Council actions. He or his designated representatives shall have the right to attend, sit with the Council during open meetings and be heard. The Mayor shall also have the right to attend executive sessions of the Council if such sessions relate to the appointment or removal of the City Manager. The Mayor shall have the right to veto ordinances of the Council, except the annual tax levy, zoning ordinances, emergency ordinances, ordinances calling elections and any other ordinances of the Council which by law require approval of two-thirds or more of the members of the Council. He shall have the power to veto any or all items contained in the annual appropriation ordinance or any appropriation ordinance.

Revised 8/20/73

(Section 24 - Continued)

The Mayor shall appoint the City Manager with the consent of the Council and the Mayor may remove the City Manager with the consent of the Council.

The Mayor shall cause the annual City budget to be prepared by the City Manager.

In case of general conflagration, rioting, flood, or other emergency menacing life and property, the Mayor shall marshal all the forces of the different Departments of the City for the maintenance of the general security, and shall have the power to deputize or otherwise employ such other persons as he may consider necessary for the purpose of protecting the City and its residents.

The rate of pay of the Mayor shall be \$12,000.00 per year unless and until the same is changed from time to time by another provision of this Charter.

If a vacancy occurs in the office of the Mayor and the remaining term is one year or more, the Council shall within 30 days after the vacancy occurs, call a special election in the City to fill the vacancy for the unexpired term. The candidate receiving the highest number of votes shall be declared elected. If the unexpired term is less than one year, the Council shall within 30 days after the vacancy occurs, appoint a resident of the City to fill the unexpired term. The person so appointed shall not be eligible to run at the next succeeding election for the office of Mayor. If the Council fails to fill the vacancy within 30 days after the vacancy occurs, it

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shall call a special election in the City to fill the vacancy for the unexpired term. The candidate receiving the highest number of votes shall be declared elected.

SECTION 27. THE CITY MANAGER

The City Manager shall be the chief administrative officer of the City and shall be a professionally qualified person selected solely on the basis of his proven administrative ability. The Manager shall be appointed for an indefinite term, but may be removed as provided by this Charter. The Mayor and members of the Council shall not be eligible to hold the position of City Manager during their respective terms of office and for one year thereafter. Before the Manager may be removed, he shall, if he so demands, be given a written statement of the reasons for his removal, but pending the conclusion of the hearing, the Manager may be suspended by the Mayor from the performance of all duties. The decision of the Council with respect to concurrence in the removal or failure to so concur shall be final. The Manager shall designate an Assistant City Manager who shall act as City Manager in the absence or disability of the Manager. Any vacancy in the position of City Manager shall be filled by the Mayor with the consent of the Council.

SECTION 28. DUTIES OF THE MANAGER

Subject to the direction of the Mayor, it shall be the duty of the Manager to supervise the administration of the affairs of the City except as otherwise specifically provided in this Charter; to make such recommendations to the Council concerning the affairs of the City as may seem desirable; to keep the Council advised of the financial condition and future needs of the City; to prepare and submit to the Council such reports as may be required by that body; to see that the ordinances of the City and the laws of the State are enforced; and to perform such other duties as may be prescribed by this Charter or required of him by ordinance or resolution of the Council. Except as otherwise provided in this Charter, all other administrative powers conferred by the laws of the State upon any municipal official shall be exercised by the Manager or persons designated by him. He shall assume the position of Director of any Department under his control for which a Director has not been appointed. The Directors, or heads of the administrative Departments under the Manager shall be immediately responsible to him for the efficient administration of their respective Departments. The Manager may set aside any action taken by a Director or Department subordinate responsible to him, and may supersede him in authority in the functions of his office or employment. Where no provision has been made by ordinance authorizing a subordinate official to act as departmental head in case of a vacancy, the Manager may designate an interim

(Section 28 - Continued)

acting head or perform personally the functions of the office. The Manager, as Chief Budget Officer of the City, shall be responsible, under the direction of the Mayor, for planning the activities of the City government and for adjusting such activities to the finances available. To this end, under the direction of the Mayor, he shall prepare annually a complete financial plan for the ensuing year and shall be responsible for the administration of such a plan when adopted by the Council. He shall be charged with the bringing together of estimates covering the financial needs of the City, with the checking of these estimates against the information relative to past expenditures and income, with the preparation of the budget document and supporting schedules. He shall have the power, with the approval of the Council, to employ experts or consultants to perform work or give advice connected with the Departments of the City when such work or advice is necessary to connection therewith. The Council shall provide sufficient funds in the annual appropriation ordinance or by supplemental appropriation ordinances for such purposes and shall charge such additional services against the appropriation of the respective Departments.

The Manager shall execute all contracts for the Departments under his control. He shall approve all requisitions and vouchers for said Departments in person or through such assistants as he may designate for the purpose.

The Manager may prescribe such general rules and regulations as he may deem necessary or expedient for the general

(Section 28 - Continued)

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

In order to expedite the work of any Department or to adequately administer an increase in the duties which may devolve on any Department or to cope with periodic or seasonal changes, the Manager, subject to Civil Service regulations, is empowered to transfer employees temporarily from one Department to perform similar duties in another Department. Likewise each Department head shall have power to transfer employees from one Division to another within his Department.

The Manager may direct any Department or Division, to perform work for any other Department or Division. Such powers to transfer employees or to direct the performance of work shall not apply to the Police or Fire Departments.

8/13/73

SECTION 13. MEETINGS OF THE COUNCIL

The Council shall provide by ordinance for the time and place of holding its meetings; provided, however, that there shall be at least one regular meeting in each week. Any regular meeting may be adjourned to a date and hour certain, and such adjourned meeting shall be a regular meeting for all purposes. All legislative sessions of the Council, whether regular or special shall be open to the public.

All legislative action shall be by ordinance except where otherwise required by the Constitution or laws of the State of California. The Council shall keep a journal of its proceedings which shall be a public record. On the passage of every ordinance the vote shall be taken by yeas and nays and entered upon the journal and no ordinance shall be passed without concurrence of a majority of the members elected to the Council. The proceedings of the Council shall be public and citizens shall have a reasonable opportunity to be heard. The first meeting of the Council shall be held at ten o'clock A.M. on the first Monday after the first day in December following its election.

All subsequent meetings shall be held pursuant to adjournment, or in accordance with a rule adopted by the Council which may be amended at any time. Special meetings shall be held on the call of the President of the Council or on the written request of any three Councilmen pursuant to notice provisions of State law.

SECTION 17. WHEN ORDINANCES AND RESOLUTIONS TAKE EFFECT.
EMERGENCY MEASURES

Ordinances making the annual tax levy, the annual appropriation ordinances, ordinances calling or relating to elections and emergency measures, shall take effect at the time indicated therein, but if such ordinances are subject to the Mayor's veto, they shall not take effect until after the last day on which the Mayor may exercise his veto or on the day on which the Council overrides the Mayor's veto. All other ordinances passed by the Council shall take effect at the time indicated therein, but not less than thirty days after final passage. If, however, such ordinances are subject to the Mayor's veto, they shall not take effect until thirty days after the last date on which the Mayor may exercise his veto or thirty days after the date on which the Council overrides the Mayor's veto. Ordinances adopted by vote of the electors shall take effect at the time indicated therein, or, if no time be specified, then thirty days after their adoption. An emergency measure is an ordinance to provide for the immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in the preamble thereto. The affirmative vote of at least two-thirds of the members elected to the Council shall be required to pass any ordinance as an emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure. No situation shall be declared an emergency by the Council except

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as defined in this section, and it is the intention of this Charter that compliance with such definition shall be strictly construed by the courts.

Resolutions shall become effective immediately upon their passage unless otherwise stated therein.

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SECTION 18. AUTHENTICATION AND PUBLICATION OF ORDINANCES AND
RESOLUTIONS

Upon its final passage each ordinance or resolution shall be authenticated by the signatures of the President of the Council and the City Clerk and shall be recorded in a book kept for that purpose. Within 15 days after final passage each ordinance or resolution of a general nature shall be published at least once in such manner as may be provided by this Charter or by ordinance.

SECTION 29. RESPONSIBILITY OF MANAGER - POWERS OF APPOINTMENT
AND REMOVAL.

The Manager shall be responsible to the Mayor for the proper administration of all affairs of the City placed in his charge, and to that end, subject to the Civil Service provisions of this Charter and except as otherwise provided herein, he shall have the power to appoint and remove all officers and employees in the administrative service of the City under his control; but the Manager may authorize the head of a Department or officer responsible to him to appoint and remove subordinates in such Department or office. Appointments made by, or under the authority of, the Manager, shall be on the basis of administrative ability and of the training and experience of such appointees in the work which they are to perform. All such appointments shall be without definite term unless for temporary service not to exceed sixty days. No person directly related to the City Manager by blood or marriage shall be eligible for employment unless such relative was in the employ of the City at the time of the appointment of the City Manager.

SECTION 69. FISCAL YEAR AND MANAGER'S ESTIMATE

The fiscal year of the City shall begin with the first day of July and shall end with the next succeeding 30th day of June. Departments not under the Manager shall submit their annual budget estimates to the Manager, or to such official as he may designate, and in such form and at such time as he shall require. The budget shall include a summary outline of the fiscal policy of the City for the budget year, describing in connection therewith the important features of the budget plan; a general budget summary setting forth the aggregate figures of the budget in such manner as to show the balanced relations between the total proposed expenditures and the total anticipated income and other means of financing the budget for the ensuing year, contrasted with the corresponding figures for the current year. The classification of the estimate shall be as nearly uniform as possible for the main divisions of all Departments and shall furnish necessary detailed fiscal information.

The Council shall provide for printing a reasonable number of copies of the estimate thus prepared, for examination or distribution to citizens at least fifteen days before final passage. Copies shall also be furnished to the newspapers of the City and to each library thereof which is open to the public.

SECTION 10. ELECTIONS

The regular municipal primary election shall be held on the third Tuesday in September in each odd-numbered year, and the general municipal election shall be held on the first Tuesday after the first Monday in November of the same year, or, if either of these days falls on a legal holiday, then the election shall be held on the next succeeding day which is not a legal holiday. All other municipal elections which may be held under this Charter shall be known as special municipal elections.

At the municipal primary election there shall be chosen by the electors of each Council District two candidates for the office of any councilman from a district whose term expires the succeeding December. There shall be chosen by all of the electors of the City two candidates for the office of Mayor and two candidates for the office of City Attorney if the incumbent's term expires the succeeding December. In the event that any candidate for nomination to an office receives a majority of the votes cast for all the candidates for nomination to such office at such primary election, the candidate receiving the majority of all votes shall be declared by the Council to be elected to such office.

At the general municipal election the electors of the district shall elect from the candidates chosen at the primary election in each district one candidate for the office of the Councilman whose term expires the succeeding December, and there shall be chosen by all of the electors of the whole City from

(Section 10 - Continued)

the candidates chosen at the primary one candidate to succeed the Mayor or the City Attorney.

After the results of an election for any office are declared, or when an appointment is made, the City Clerk, under his hand and official seal, shall issue a certificate therefor, and shall deliver the same immediately to the person elected or appointed, and such person must within ten days after receiving such certificate file his official bond, if one be required for his office, and take and subscribe to the oath of office required of him by this Charter, which oath must be filed with the City Clerk.

SECTION 5. REDISTRICTING

The City shall be redistricted for the purpose of maintaining approximate equality of population, at least once in every five years if required, but shall not be redistricted within three years after any such redistricting, except the initial redistricting after the effective date of this section.

In the event that any voting precinct which may be established at the time this Charter takes effect or which may be thereafter established is partly within two or more such districts, said precinct shall be allocated to the District in which a majority of the voters within such precinct resides, and said district boundaries shall be changed accordingly.

Any territory hereafter annexed to or consolidated with The City of San Diego shall at the time of such annexation or consolidation be added to an adjacent District or Districts, provided that if any territory annexed or consolidated at any one time shall contain residents sufficient to upset the approximate equality of the established districts, the City shall at least sixty days before an election, be redistricted regardless of the time limitation of three years heretofore mentioned.

In any redistricting, the districts shall be comprised of contiguous territory and made as equal in population and as geographically compact as possible, and the districts so formed shall, as far as possible, take into account natural boundaries, street lines, city boundaries, census tracts and whole communities.

SECTION 7. ELECTIVE OFFICERS

No person shall be eligible to or hold any elective office of the City, either by election or appointment, unless he shall have been a resident and elector of the City for at least one year next preceding his election or appointment.

In addition to the foregoing qualifications, every Councilman must have been at the time of his election or appointment an actual resident in the district for one year immediately preceding his election or appointment. Any Councilman who moves from the district of which he was a resident at the time of his election or appointment forfeits his office, but no Councilman shall forfeit his office as a result of redistricting.

Section 41(d). REDISTRICTING COMMISSION

The Redistricting Commission is hereby created consisting of seven persons appointed by the Mayor and confirmed by the Council for a term of four years. Initially, the Commissioners shall be appointed in a manner so that three are appointed for two-year terms and four are appointed for four-year terms, which terms shall commence 30 days after the effective date of this section. The Mayor in his appointments shall take into consideration sex, race and geographical area so that the membership of such Commission shall reflect the entire community.

The duties of the Commission shall be to redistrict the City into council districts as nearly equal in population as practicable anything in this Charter to the contrary notwithstanding. In any redistricting, the Commission shall hold public hearings and undertake those functions and apply those standards set forth in Sections 4 and 5 of this Charter. The Commission shall approve any redistricting by resolution which must clearly show such districts by reference to a map but need not contain a metes and bound description thereof. Said resolution and map shall be immediately filed with the City Clerk and shall forthwith without change or alteration be passed as an ordinance of the Council on the day of introduction. The Council shall provide funds for the Commission's use in the performance of its duties.

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SECTION 12.1. COUNCILMANIC SALARIES

On or before February 15 of every even year, the Salary Setting Commission shall recommend to the Council the enactment of an ordinance establishing the salary of members of the Council for the period commencing July 1 of that even year and ending two years thereafter. The Council may adopt the salaries by ordinance as recommended by the Commission, or in some lesser amount, but in no event may it increase the amount. The ordinance shall be subject to the referendum provisions of this Charter and upon the filing of a sufficient petition, the ordinance shall not become effective and shall be repealed by the Council or shall forthwith be submitted to a vote of the people at the next general statewide election.

SECTION 24.1. MAYOR'S SALARY

On or before February 15 of every even year, the Salary Setting Commission shall recommend to the Council the enactment of an ordinance establishing the Mayor's salary for the period commencing July 1 of that even year and ending two years thereafter. The Council shall adopt the salary by ordinance, as recommended by the Commission, or in some lesser amount, but in no event may it increase the amount. The ordinance shall be subject to the referendum provisions of this Charter and upon the filing of a sufficient petition, the ordinance shall not become effective and shall be repealed by the Council or shall forthwith be submitted to a vote of the people at the next general statewide election.

SECTION 41.1. SALARY SETTING COMMISSION

There is hereby created a Salary Setting Commission consisting of seven members who shall be appointed by the Civil Service Commission for a term of four years. The first members shall be appointed for a term commencing January 1, 1974. Initially, the Commissioners shall be appointed in a manner so that three are appointed for two-year terms and four are appointed for four-year terms. The Salary Setting Commission shall recommend to the Council the enactment of an ordinance establishing salaries for the Mayor and Council as provided by this Charter. The Council shall provide the funds necessary to enable the Commission to perform its duties. The Civil Service Commission in its appointments shall take into consideration sex, race and geographical area so that the membership of such Commission shall reflect the entire community.

SECTION 130.1. EMPLOYEE-EMPLOYER RELATIONS PANEL

There shall be an Employee-Employer Relations Panel consisting of five members who shall be residents of the City. The Council shall by ordinance establish a method by which the panelists shall be chosen permitting City employees to choose two, the Mayor, with Council confirmation, to choose two, and those four to choose the fifth member. If the four cannot select a fifth, the ordinance shall request the Presiding Judge of the San Diego Superior Court to appoint a fifth member who has expertise in the field of labor relations. In the event he fails to appoint a fifth member within ten days after being requested to do so, the matter shall be submitted to the San Diego Chapter of the American Arbitration Association, or its successor, which shall appoint a fifth member. The appointing authorities in selecting appointees to such Panel shall take into consideration sex, race and geographical area so that the membership of such Panel shall reflect the entire community.

Terms shall be staggered so that at least two members are selected every other year. Term of office shall be four years although the initial appointments may be made for two years in the case of one of the employee-appointed members, and two years in the case of one of the Mayor-appointed members. The initial term for the Chairman who shall be selected by the Panel shall be two years. If an impasse is reached in employee-employer negotiations seeking to establish wages, hours and conditions of employment of the employees, the Panel shall then act as a

(Section 130.1 - Continued)

fact-finding body with recommendations to the parties concerned. Negotiations shall then resume, and if the parties are unable to reach agreement on the recommendations of the fact-finding panel, then the issue shall be submitted to the City Council.

SECTION 130. COMPENSATION ESTABLISHED

The Council shall by ordinance, prior to the beginning of each fiscal year, establish a schedule of compensation for officers and employees in the Classified Service, which shall provide uniform compensation for like service. The Council shall by ordinance establish procedures for setting employee compensation to include the designation of a person or persons, agency, board, commission or panel to meet and confer and otherwise negotiate with the City employees or their designated representative or representatives and to submit to the Council their recommendations. An increase in compensation, within the limits provided for any grade may be granted at any time by the appointing authority upon the basis of efficiency and seniority.

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SECTION 118. RULES

The Civil Service Commission shall recommend to the City Council all rules and amendments for the government supervision and control of the Classified Service including the establishment of a merit system for the Classified Service, classification and definition of employee functions and providing standards for promotion and demotion, but shall have no power or function in the negotiation of employee salaries. No rule or amendment thereto shall become effective until it shall have been adopted by ordinance after a public hearing thereon, with notice of such hearing first given by publication of such rule or amendment thereto in full once in the official newspaper of the City at least ten (10) days prior to said hearing and by posting of such rule or amendment thereto in full in three public places at least ten (10) days prior to the said hearing thereon. Following such public hearing, the City Council may adopt the rule or amendment as recommended by the Civil Service Commission, may amend the same, or may reject the said recommendation. Any rule or amendment thereto adopted by ordinance shall have the force and effect of law.

SECTION 119. GRIEVANCES

The City Council, by ordinance, shall establish rules and procedures for the arbitration of a grievance of an employee in the classified service of the City which is not resolved to the satisfaction of the employee or his representative or the employer or its representative. Such rules and procedures shall provide for the selection of an independent third party who shall be satisfactory to the employer or its representative and to the employee and his representative. The decision of the arbitrator shall be final and binding on all parties. The arbitration procedures provided for herein shall not include arbitration procedures, binding or otherwise, with respect to any impasse in employer-employee negotiations seeking to establish wages, hours or conditions of employment as to which a referral may be made to the Employer-Employee Relations Panel established under Section 130.1 of this Charter.

SECTION 58. FIRE DEPARTMENT

The Fire Department shall consist of a Chief of the Fire Department and such other officers, members and employees as the Council may from time to time prescribe by ordinance.

The Chief of the Fire Department shall be appointed by the City Manager and the appointment shall be confirmed by a majority of the Council, provided, however, that the Chief of the Fire Department may be removed by the City Manager at any time in the manner provided for in Section 30 of Article V of this Charter. The Chief of the Fire Department shall have all power and authority necessary for the operation and control of the Fire Department and the protection of the lives and property of the people of the City from fire.

The Chief of the Fire Department, with the approval of the City Manager, shall direct and supervise the personnel. Members of the Fire Department shall be subject to all the Civil Service provisions of this Charter contained in Article VIII. This section shall not become effective until July 1, 1974.

SECTION 117. UNCLASSIFIED AND CLASSIFIED SERVICES.

Employment in the City shall be divided into the Unclassified and Classified Service.

(a) The Unclassified Service shall include:

1. All elective City Officers
2. Members of all boards and commissions
3. All department heads and one principal assistant or deputy in each department
4. Assistants to the Mayor and Council members
5. Confidential secretaries to the Mayor and Council members
6. City Manager, Assistant City Manager and Assistants to the City Manager
7. City Clerk
8. Budget Officer
9. Purchasing Officer
10. Treasurer
11. All Assistant and Deputy City Attorneys
12. Industrial Coordinator
13. The Planning Director
14. A Confidential Secretary to the City Manager, Police Chief and City Attorney
15. Officers and employees of the San Diego Unified School District
16. Persons employed in positions for expert professional temporary service when such positions are exempted from the

(Section 117 - Continued)

Classified Service for a specified period of temporary service by order of the Civil Service Commission

17. Interns including, but not limited to, Administrative Interns and Legal Interns, temporarily employed in regularly established training programs as defined in the job specifications of the City.

(b) The Classified Service shall include all positions not specifically included by this section in the Unclassified Service.

SECTION 42. MEMBERSHIP SELECTION

The appointing authority in selecting appointees to commissions, boards, committees or panels shall take into consideration sex, race and geographical area so that the membership of such commissions, boards, committees or panels shall reflect the entire community.

SECTION 224. GENDER

Wherever in this Charter the masculine gender is used,
the same shall be deemed amended to include the feminine gender.

