

**Office of  
The City Attorney  
City of San Diego**

**MEMORANDUM  
MS 59**

**(619) 236-6220**

**DATE:** August 20, 2018

**TO:** Elizabeth Maland, City Clerk

**FROM:** City Attorney

**SUBJECT:** Title, Summary, and City Attorney Impartial Analysis for Ballot Measure – Salary Setting, Compensation Restrictions, and Ethics Measures for Councilmembers, Mayor and City Attorney (**Measure L**)

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The City Council has directed the City Attorney to prepare a ballot title, summary, and impartial analysis of a San Diego Charter (Charter) amendment measure related to ethics and compensation and restrictions on benefits for elective officers, which the City Council voted to place on the November ballot. (*See* San Diego Resolution R-311923, adopted July 30, 2018.)

The measure seeks voter approval to amend the Charter by amending Article III, sections 11.1 (Legislative Power – Nondelegable) and 12.1 (Councilmanic Salaries); amending Article IV, section 24.1 (Mayor’s Salary); amending Article V, section 40 (City Attorney), and repealing section 41.1 (Salary Setting Commission); and amending Article XVI, by adding new sections 303 (Restrictions on Compensation and Benefits for Elective Officers) and 304 (Restrictions on Lobbying and Campaigning for Elective Officers).

The City Council adopted San Diego Ordinance O-20972 on July 30, 2018, to submit the Charter amendment measure to the voters on the November 6, 2018 Municipal Special Election ballot.

**BALLOT TITLE**

Amendments to the San Diego City Charter to Remove Requirement that Councilmembers Vote to Establish Salaries; and to Set Elected Officials’ Salaries as Percentages of State Judicial Salary, Restrict Compensation and Benefits, and Enact Ethics Measures, for City Councilmembers, the Mayor, and the City Attorney.

## **BALLOT SUMMARY**

This measure would amend the San Diego City Charter (Charter) to eliminate the requirement that the City Council (Council) vote to establish Councilmembers' salaries and those of other elective officers, and to eliminate the Salary Setting Commission that proposes salary amounts for Council consideration and approval.

The proposed Charter amendments would change the salary setting process and automatically tie the salaries of City Councilmembers, the Mayor, and the City Attorney to a percentage of the state-approved salary for California Superior Court judges.

The amendments also would eliminate the following for City elective officers: honoraria, car allowances paid as additional compensation, and free use of City-owned-and-controlled sports and entertainment venue tickets. The amendments would expand restrictions on lobbying, and add regulations regarding incumbent officers' use of taxpayer-funded, mass form constituent mailings.

The ballot measure was proposed during a process in which members of the public submitted ballot measure proposals for consideration by a Council standing committee and then the full Council. If approved, the Charter amendments would become effective after they are chaptered by the California Secretary of State.

## **CITY ATTORNEY'S IMPARTIAL ANALYSIS**

The Charter requires that the City Council (Council) vote to establish salaries of the Mayor and Councilmembers, and the Council must consider recommendations from the City's Salary Setting Commission (Commission) every two years. The Council may accept a proposed

increase, but may not set salaries higher than the Commission recommends. The Council has not accepted a salary increase proposed by the Commission since 2002.

The Charter also requires the Council to fix the City Attorney's salary.

If approved, the proposed Charter amendments would eliminate the Commission and the requirement that the Council vote to establish elective officer salaries. Instead, the amendments would automatically tie salaries of Councilmembers, the Mayor, and the City Attorney to the state-approved salary for California Superior Court judges in the California Government Code.

The amendments would phase in salaries:

- Councilmembers would be paid 60 percent of the state salary for California Superior Court Judges beginning December 10, 2020, and 75 percent of the state salary for California Superior Court judges beginning December 10, 2022.
- The Mayor and City Attorney would be paid an amount equal to the state salary for California Superior Court judges beginning December 10, 2020.

A state formula provides that Superior Court judges' salaries increase by the average percentage salary increase for the current fiscal year for state employees. Salaries for City elected officials would increase as state employees' salaries increase.

The amendments would eliminate the following for elected City officials: honoraria, car allowances, and free use of City-owned-and-controlled sports and entertainment venue tickets.

The amendments also would expand restrictions on lobbying, and regulate incumbent officers' use of taxpayer-funded, mass form constituent mailings.

Honoraria are fees such as speaker fees that are prohibited under state law, but with some exceptions. The measure would eliminate exceptions for City elective officers.

Effective December 10, 2020, the amendments would eliminate a regularly paid car allowance as a form of additional compensation for an elective officer's use of a private vehicle, but allow reimbursement for actual miles driven in a personal vehicle while on City business, following federal tax laws.

A City policy governs the use of admission tickets it receives, including tickets for City-owned-and-controlled sports and entertainment venues. This measure would prohibit free use of such tickets. The City would be required to market such tickets to the public at fair market value, keeping the proceeds. Tickets for certain venues and events may be governed by agreements that would require further analysis to determine whether the City could sell them.

City law prohibits lobbying by former City officials, including elective officers, for one year after leaving City employment. This measure extends the prohibition to two years.

State law regulates the use of public funds for mailings featuring a public official. This measure prohibits an incumbent official's mass mailings starting 75 days before an election when the official, or a staff member, seeks City office.

This measure was proposed by a member of the public. The Council placed it on the ballot.