



THE LEAGUE OF WOMEN VOTERS OF SAN DIEGO

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Date: May 14, 2015

To: Honorable City Council members of the Charter Review Committee

From: Beryl Flom, Chair, League of Women Voters Committee on the Charter Review

Non-Agenda Public Comment

Section 26.1: Basic Municipal Services

The League of Women Voters of San Diego recommends that the list of Basic Municipal Services be reviewed. The League suggests adding trash collection, street maintenance, planning, public safety, and Library services. Public health is the responsibility of the County of San Diego and should be removed from the City Charter's Basic Municipal Services.

Section 28 - 30, 32: Duties of the Manager

The members of the League's Charter Review Committee have carefully compared the Duties of the Manager in Section 28, 29, 30, and 32 with the Duties of the Mayor in Article XV Sections 260 and 265 and in Article IV. There is quite a bit of overlap plus Section 260 has an overarching statement that covers expected duties of the Mayor and implies the essence of Sections 29 and 30. All of this needs to be consolidated.

Section 31: Political Activities

The LWVSD recommends changing and expanding the first sentence to read: *"No officer or employee of the City [except] including elected officers and unsalaried members appointed to officially constituted commissions while performing official city business shall [during regular hours of employment] take an active part opposing or supporting any candidates in any City of San Diego political campaign or make contributions thereto in behalf of any candidates, nor shall such person seek signatures to any petition seeking to advance the candidacy of any person for any municipal office."*

Section 35: Purchasing Agent

4th paragraph - The League of Women Voters of San Diego emailed Steve Hadley who passed our question on to the City Attorney but we have not had a reply. We are questioning the intent of the first sentence in the 4th paragraph and whether it reflects back to a post-war arrangement or whether it is still current. Part of the question is the definition of a "public corporation". The sentence reads: *"The Council by resolution may order the purchase without advertising for bids of surplus commodities from the United States of America, or any agency thereof, or from any other public corporation, state or municipal, or any agency thereof."*

Section 41a: Funds Commission

The LWVSD suggests, following the advice of the City Attorney in 1983, that the Funds Commission should report to the Council and Mayor annually.

Section 53: Water Utility

About 2/3 of the way through the second paragraph, it reads: "*Only after providing the requirements for Water Utility purposes as set forth above may the City Council in the annual appropriation ordinance provide for the transfer to the General Fund of the City any excess revenues accruing to the Water Utility Fund.*" The LWVSD recommends that excess revenues in the Water Utility be kept to offset future rate increases. The rest of that paragraph could be deleted.

Section 58: Fire Department

The title should be changed to Fire and Rescue Department which is the current name. At the end of the second paragraph, it reads: "*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 League of Women Voters of San Diego thinks that "*from fire*" at the end of that sentence should be removed as the Fire and Rescue Department includes paramedics and life guards. The last sentence in this section reads: "*This section shall not become effective until July 1, 1974.*" It is out of date and should be removed.

Section 63: Library Department

This Section was removed from the City Charter in 1963. The League of Women Voters of San Diego considers Library services a Basic Municipal Service. It should have a section in the Charter.

Testimony on Article VII - April 16, 2015 Agenda

Agenda item 2-G, Section 90.3 - Voter Approval for Major Public Projects Conferring Significant Private Benefit:

The League of Women Voters of San Diego recommends inserting public benefit into this section as follows:

Subsection (a) - insert the bold words: "*The City may not enter into the agreements necessary for financing, development and construction of a major public project that confers a significant private benefit, unless that project is found to also confer a significant public benefit and is submitted to a vote at a municipal election and a majority of those voting in that election approve the project.*"

Insert **subsection (b4)** as follows and renumber subsequent subsections: **The term "significant public benefit" means that the proposed capital improvement will generate tax revenue for the city which exceeds the cost for the capital improvement over the projected economic life of the project.**

Agenda item 2-I, Section 103.1a - Environmental Growth Fund:

The League of Women Voters of San Diego's recommends that the list of utility franchises could be updated to include communications infrastructure. The money in this fund should continue to be used as currently described in this Section and should not be used for more diverse purposes.

Any franchise where the city creates a monopoly such as cable or commercial trash hauling should either be subject to competitive bidding or have an independent rate review by a newly created rate review commission under Section 103.

2) Testimony on Article V

Section 39.2: City Auditor

The League of Women Voters of San Diego would like the following sentence added to the end of Section 39.2: In addition, the Mayor should provide public response to an audit within six (6) months.

Section 39.3: Independent Budget Analyst

The League of Women Voters of San Diego recommends that a 2/3 vote of Council shall be required to remove the IBA from office.

Section 41 (c): City Planning Commission

The League of Women Voters of San Diego is wary of shifting the membership and composition of the Planning Commission to the Municipal Code. The Planning Commission has functioned very well as a seven-member body with commissioners nominated by the Mayor and confirmed by the Council. We see no reason to change it and would be concerned that a future administration may want to tamper with it for political reasons or for decisions on major projects opposed by the Mayor.

We also recommend removing the following last sentence because it is out of date: *"To accomplish this, initial appointments to this Commission, after the effective date of this amendment, shall be made so as to provide that the terms of office of two (2) members shall be for four (4) years; two (2) members for three (3) years; two (2) members for two years; and one (1) member for one (1) year."*

Section 41 (d), #2: Ethics Commission

The League of Women Voters of San Diego supports the recommendation to amend the Charter to provide the Ethics Commission with subpoena power and independent legal counsel.

Section 55: Park and Recreation

#1 on agenda: The League of Women Voters of San Diego opposes allowing educational organizations to lease/build buildings on public park land, specifically, Balboa Park. Our position reads: "The League of Women Voters of San Diego supports the preservation and enhancement of the cultural, recreational and passive resources of Balboa Park... The pueblo lands set aside as a permanent preserve should be held in trust forever for the purpose of a free and public park and not for other purposes."

The League recommends rescinding the phrase "**or later ratified**" from paragraph 2 of Section 55: It reads, "*All real property owned in fee by the City heretofore or hereafter formally dedicated in perpetuity by ordinance of the Council or by statute of the State Legislature for park, recreation or cemetery purposes shall not be used for any but park, recreation or cemetery purposes without such changed use or purpose having been [first] authorized or later ratified by a vote of two-thirds of the qualified electors of the City voting at an election for such purpose.*"

The League recommends that the third paragraph of Section 55 be rescinded. It reads, "*Whenever the City Manager (now read Mayor) recommends it, and the City Council finds that the public interest demands it, the City Council may, without a vote of the people, authorize the opening and maintenance of streets and highways over, through and across City fee-owned land which has heretofore or hereafter been formally dedicated in perpetuity by ordinance or statute for park, recreation and cemetery purposes.*" This was added to City Charter by Proposition C on April 21, 1953.

Toward the end of the last paragraph about public burial grounds and cemeteries, it reads: "*...the Council may direct that the excess over and above that needed [for cemeteries] as above provided may be used for any other municipal purpose.*" The League of Women Voters of San Diego recommends that surplus revenues be kept to offset future fees in the cemetery fund and not used for other municipal purposes.