




**COUNCILMEMBER CHRIS CATE
CITY OF SAN DIEGO
SIXTH DISTRICT**

M E M O R A N D U M

DATE: February 2, 2015

TO: Council President Sherri Lightner, Chair, Charter Review Committee

FROM: Councilmember Chris Cate 

SUBJECT: 2015 Charter Review Committee Priority Memo

I appreciate the opportunity to share my priorities for the Charter Review Committee for 2015. I believe the initial discussion of Charter Amendments should be focused on those items that have previously been reviewed and/or discussed in some context, to be placed on the June 2016 ballot. I believe any wholesale revisions to the Charter, including a rewrite, should not be done in a rushed manner. The consequences of this approach include not documenting those items to be later adopted via the municipal code, as well as prolonged implementation due to the City Council's deliberation process.

Review 2007 Charter Review Commission Report

On October 4, 2007, the San Diego Charter Review Commission issued its Final Report detailing 15 recommendations for amendments to the City's Charter. These recommendations came after the Commission held 51 public meetings and received testimony from representatives of 53 organizations, 72 individuals, and various public officials. The Commission also heard from experts on various Charter issues. Following receipt of the report, the City Council placed a number of measures on the June and November 2008 ballot that were ultimately approved by voters. The recommendations that were not placed on the ballot should be re-reviewed for potential action by the Committee. These recommendations pertain to the Fiscal Year and Manager's Estimate (Section 69), City Attorney (Section 40), Salary Setting Commission (Section 41.1), and the Mayor (Section 265).

Revise City Treasury Cash Management Obligation

Charter Section 80 states that monies allocated to a specific obligation must be in hand prior to the expenditure of those dollars. A resulting effect of this language is millions of dollars in capital project funds waiting to be spent as the City's infrastructure continues to deteriorate. The City Attorney's office should evaluate the legalities surrounding the ability to amend this language to allow these dollars to be spent on phases within a project, and also transfer these dollars to other priority projects, both inside and outside of their respective community planning area.

Establish Rainy Day Fund

Charter section 91 details the purpose and intent of the General Reserve Fund. Specifically, it states the fund, "may be expended only in the event of a public emergency when it shall be determined by the affirmative vote of at least two thirds of the members of the elected Council that such expenditures are necessary in order to insure the safety and lives and property of the City or its inhabitants."

Details regarding the General Fund reserve are outlined in Council Policy 100-20. The policy includes procedures for both the "Emergency Reserve" and the "Stability Reserve." While the Emergency Reserve covers the requirements as outlined in Charter section 91, the Committee should consider adding a section into the Charter that requires maintaining a Stability Reserve, or "Rainy Day Fund," and under what conditions monies will be allocated to such a fund.

Presenting of Information to City Council

Under the Strong Mayor form of governance, the Charter should clearly outline the relationship between the Mayor and City Council as it relates to the request and providing of information pertaining to the operations of the City. Charter sections 265 and 270 should be reviewed to determine appropriate language within one and/or both of the sections that clearly delineate this relationship.

Review Charter Section 265

Following the resignation of former Mayor Bob Filner, it would be prudent to review the operational circumstances as it pertains to an Interim Mayor. Charter Section 265(i) outlines his/her role, but the City has only experienced one instance of having an Interim Mayor during a Strong Mayor form of governance. The Committee should hear from Councilmember Todd Gloria regarding his experience and any potential opportunities for reform or to provide clarity for the position.

Amend Mt. Hope Cemetery Fund Obligations

Charter Section 55 outlines the governing provisions of the Mt. Hope Cemetery, stating 1) 20% of net proceeds from the sale of all cemetery lots be deposited into the Cemetery Perpetuity Fund (Fund); 2) the principal of the Fund may never be used for the maintenance and upkeep of the cemeteries; and 3) all income derived from the investment of Fund monies shall be expended for the maintenance or upkeep of the cemeteries. In addition, the Funds Commission is limited in its investment strategy of the fund. According to the Independent Budget Analyst, the City's General Fund subsidy of operations has totaled nearly \$2 million since Fiscal Year 2009. The Committee should discuss potential amendments that will allow the fund to potentially increase investment earnings to offset the need for a continuing General Fund subsidy.

Establish Permanent Charter Review Commission

The task of reviewing and updating the City's Charter requires constant attention. The Committee should review the potential of establishing a permanent Committee, comprised of elected councilmembers or appointed commissioners, to review any items that may not have been addressed by this Committee, as well as continue to seek input from the public.

Conduct Review of the City's Redistricting Commission

Section 5.1 of the Charter governs the operations and mechanics of the City's Redistricting Commission. Before the commencement of the next national decennial census, the Committee should conduct a thorough review of the Commission to ensure a fair, transparent, and effective redistricting process. The Committee should consider language that includes representation from each City Council district to sit on the Commission, as opposed to the current allotment of seven (7) members. In order to draw from a wide pool of qualified applicants, an extension of the nomination period from thirty (30) to sixty (60) days is warranted. In cooperation with the Mayor's office, a Redistricting fund should be established to annually allocate the necessary dollars to cover the expenses of the Commission.

Revise City Attorney Approval for Municipal Contracts

Each year, the City approves hundreds of contracts that vary in degree of scope and cost. Charter Section 40 requires the City Attorney to "endorse on each approval of the form or correctness thereof" for all municipal contracts. The Committee should work with the City Attorney's Office to draft language that allows for an effective contract approval process, especially as the City continues to identify streamlining measures for municipal contracts.

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cc: Mayor Kevin L. Faulconer
Honorable Councilmembers