




**COUNCILMEMBER TODD GLORIA
CITY OF SAN DIEGO**

M E M O R A N D U M

DATE: January 26, 2015
TO: Council President Sherri Lightner
FROM: Councilmember Todd Gloria 
SUBJECT: Charter Review Committee Priorities

In response to your memo dated December 18, 2014, I am pleased to offer my priorities for the Charter Review Committee.

Referendum Reform

Per my memo dated January 8, 2015, I requested to bring forward an informational item in early 2015 to the Charter Review Committee to explore potential measures that the City Council can consider to reform and increase transparency in the referendum process. Initial components of the local process that warrant further discussion include:

1. Providing more timely disclosure of referendum campaign funders for the benefit of the public;
2. Providing the opportunity for proponents and opponents to be present during the Registrar of Voters signature verification process;
3. Review of City of San Diego Charter Section 23: Initiative, Referendum and Recall, including local signature gathering requirements; and
4. Review of Municipal Code Article 7, Division 11: Referendum, including:
 - a. General updates to language for consistency, clarity and correctness;
 - b. Moving the petition formatting section to the City Clerk Administrative Guidelines to be consistent with recent updates to Municipal Code recall section and to allow for easier and more timely updates of material;
 - c. Updates and clarification of language in Section 27.1116: Withdrawal of Signature from Referendary Petition;
 - d. Clarification of language in Section 27.1117: Time for Submitting Referendary Petition to Clerk; and
 - e. Clarification of timeline related to Council action on sufficient petitions.

I would like to directly involve the City Clerk, the Ethics Commission, the City Attorney's office and the Independent Budget Analyst in this work, and look forward to input and direction from the Charter Review Committee.

Codifying Budget Process

Section 11 of the Charter clearly establishes the City Council's nondelegable power over "the adoption of any ordinance or resolution which raises or spends public monies, including but not limited to the City's annual budget ordinance..." .

Since the inception of a standing committee on the budget in 2008, the Council has worked with the offices of the Mayor and the Independent Budget Analyst to standardize a process to address issues of budgetary authority and establish frequent communication between the Executive and Legislative branches leading to the annual budget adoption and appropriation ordinance.

I would like the Charter Review Committee to discuss codifying elements of this process into Sections 69 or 290 of the Charter.

Elements of the current process that should be considered include the Mayor's Five Year Financial Outlook, the Statement of Budgetary Principles, the establishment of key budget dates including setting the annual budget hearings, and the Mid-Year Budget Monitoring Report. This discussion should include an evaluation of the annual appropriation ordinance as described in Charter Section 71 and whether that process should be separate from the adoption of the budget as suggested by the City Attorney's report dated February 5, 2014.

Additionally, I would like the Charter Review Committee to examine opportunities which allow the Council to reopen the budget for needed amendments as we currently do when accepting the Mid-Year Budget Monitoring Report.

Veto Authority Over Ballot Proposals

Charter Section 280 provides that the Mayor shall not extend veto authority over any matter exclusively within the purview of the City Council. Charter Section 275(c) states that ordinances calling or relating to elections may be enacted on their day of introduction. The City Attorney has offered an interpretation that this Charter Section only applies to the calling of elections and not individual ballot proposals approved by the Council for placement on a ballot. I would like the Charter Review Committee to examine this interpretation and decide whether the Mayor should have the authority to block ballot proposals approved by the City Council from going to the voters.

Authority and Duties of Interim Mayor

During my time serving as Interim Mayor, I found that Charter Section 265(i) had insufficient detail as to what authority was vested to the presiding officer of the City Council when filling a vacancy in the Office of the Mayor. I would like the Charter Review Committee to evaluate what authorities should be explicitly stated to provide clarity to anyone acting in the role of Interim Mayor.

Removal of Elected Officials

Currently only Charter Section 23 on recall and Section 108: Forfeiture of Office for Fraud offer ways to remove an elected official outside of death and resignation. Additionally, the Charter includes language by which Councilmembers may be removed due to excessive absences.

I would like the Charter Review Committee to hold a discussion and evaluate additional reasons and processes for removing an elected official from office. This discussion should include a

thorough evaluation for any unintended consequences and the effectiveness of each proposed reason for removing officials.

Cemetery Perpetuity Fund

Charter Section 55 establishes investment guidelines for the Cemetery Perpetuity Fund. The Charter limits funds available for maintenance or upkeep of the Mount Hope Cemetery to investment income, up to eighty percent of cemetery lot sales, and any other revenue generated from burial related services. It also requires the City to appropriate the remaining balance for maintenance from the General Fund which has ranged from \$227,000 to \$513,000 from FY2009 to FY2014 according to estimates from a 2013 IBA report.

There may not be a clear path to reducing the annual subsidy without exposing the fund to additional market risk, but I ask the Committee to evaluate whether Charter amendments are appropriate. I also ask that the Committee to consider removing direction appropriating this fund from the Charter and placing it in the Municipal Code to provide the City more flexibility for future changes.

Redistricting

It is my desire to see the language in Charter Section 5.1 on redistricting updated in time for the 2020 census and subsequent redistricting effort. A 2010 Grand Jury Report titled "City of San Diego 2010 Redistricting Commission" found that the current succession for the Appointing Authority for Redistricting Commissioners included alternatives that were inconsistent with ethical determinations made by a judicial ethics committee and current City structure. I would like for the Charter Review Committee to update the language on redistricting to ensure the next Redistricting Commission has clear and consistent direction.

Strong Mayor- Strong Council Clean Up Language

The City of San Diego switched over to the Strong Mayor-Strong Council Form of Governance in 2010, yet the majority of the Charter still references the City Manager. I ask the Committee to do a thorough review of outdated references to the City Manager and update as necessary to the Mayor, Chief Operating Officer, or appropriate designee.

TG/ag