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Proposition D: Charter Amendment Regarding Power to Fix Salaries
April 2016

SDCTA Position: **SUPPORT**

Rationale for Position: The SDCTA supports Proposition D, as it brings the Charter into alignment with the current practices of the City's government under the Strong Mayor system of government. The Proposition also aligns the Charter with the State of California's government code by specifying the City's legal duty to comply with California's collective bargaining laws (specifically the Meyers-Milias-Brown Act) when setting compensation levels.

Title: Proposition D: Charter Amendment Regarding Power to Fix Salaries

Jurisdiction: City of San Diego

Type: Charter Amendment

Vote: Simple Majority (not subject to Mayor's veto)

Status: Approved for June Ballot

Issue: Minimum Wage

Description:

This ballot initiative is designed to streamline and clarify the process by which city employees salaries are set. Each year the City Council adopts a salary ordinance, which includes compensation schedules for most of the City's employees. Once these schedules are adopted as general ranges of compensation for each position, it is up to the discretion of the employee's department director or designee to decide the specific salary for each individual. However, the City Charter section on employee salaries predates the City's move to a Strong Mayor format, and includes several employees such as the City Manager, the City Treasurer and the City Comptroller in the list of employees whose final salary is decided by the City Council. Under the Strong Mayor format, the Mayor would be the one tasked with setting these salaries.

Fiscal Impact: The fiscal impact of this measure is negligible as it does not substantively change current practice.



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Background:

Salary Fixing in San Diego

The City of San Diego's charter traditionally includes the power to set salary or wages within the power to appoint an officer or employee. Thus, the salary for most City employees is established by the City department director or designee in accordance with compensation schedules established by the Council and applicable civil service rules. However, in several instances the Charter specifies who fixes the salary of Charter-created officers.

Currently, the Charter of the City of San Diego requires all changes to wages to be approved by the City using a meet and confer process that must occur when the City's budget is being prepared and adopted. This authority has remained under the City Council's legislative power as a part of Article III Section 11.1. The City Council's authority over compensation is balanced by the Salary Setting Commission, which offers the Council recommendations on adequate wage levels. However, these recommendations are subject to referendum allowing the taxpayers final say on salaries in the City government.

Meyers-Milias-Brown Act, California Government Code

The Meyers-Milias-Brown Act is a state law that governs local public employee organizations. The purpose of this collective bargaining act is to promote full communication between public employers and their employees. Full communication between these groups is generally accomplished by creating a relatively easy way for the two groups to resolve disputes over almost any work place term and condition.

The California statute extends past collective bargaining and covers the following: unfair practice cases, right to authorize dues deduction, board power, disciplinary actions, classification of county positions, representation of professional employees, management of confidential employees, neutral third-party determination, rules, regulation, anti-discriminatory laws, and definitions of "Recognized employee organization," "Public employee," "Mediation" and "Board."

The law also has a requirement that the city meet and confer with designated representatives of recognized employee organizations (e.g., labor unions) to discuss disputes between public employers and their employees. Within the context of this section of the charter, the Meyers-Milias-Brown Act merely requires that salary setting management within the City government meet and confer with city employees and/or their representatives to discuss possible disputes over compensation. The amendment offered in this proposition confirms this obligation and codifies it into the City Charter explicitly.



Strong Mayor System Government System in the City of San Diego

Several aspects of these amendments are a result of the transition into a Strong Mayor system, which was approved by San Diego voters in June 2010. This model more closely replicates the executive structure utilized in presidential systems than the past system in which the mayor exercised much less control over the City’s operations. Under the new structure the Mayor becomes the City’s Chief Executive Officer and assumes the authority and responsibility previously held by the City Manager. The City Council acts as the legislative body, providing checks and balances to the Mayor's new authority. Under the new system, the City Council selects a Presiding Officer of the City Council and may create new committees. As a result of the same Proposition, the City appointed an Independent Budget Analyst to review and provide budget information to the City Council, independent from the Mayor. The City Council also added a new independent legislative analysis function.

Figure 2: Strong Mayor System

Mayor -- Chief Executive	City Council -- Legislature
<ul style="list-style-type: none"> • Not a Member of the City Council • Proposes City Budget • Appoints Department Directors • Veto Authority 	<ul style="list-style-type: none"> • Elects Own Presiding Officer • Sets own Agenda • Approves City Budget • Mayoral Veto Override authority

Source: strongmayorcouncil.org

Figure 3: Council-Manager System

City Council --Legislature	City Manager -- Chief Executive
<ul style="list-style-type: none"> • Appoints City Manager • Approves City Budget • Mayor is City Council Chairperson 	<ul style="list-style-type: none"> • Proposes City Budget • Appoints Department Directors • Sets City Council Agenda

Source: strongmayorcouncil.org



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Several other major cities with populations over 500,000 have transformed their government into a Mayor-Council system. In 2011, only 33% of US cities used the strong mayor system, yet the increase in transitions are indicative of a shift towards professionalism in municipal administration. State laws and local organizations that advocate for transparency and accountability in governance are often credited as the catalysts for the transition. The majority of the amendments are a result of the voter-approved transition to a Mayor-Council or Strong Mayor City structure. The charter changes made by this proposition are reflective of the nuances of the Strong Mayor system.

Fiscal Impact:

The fiscal effect of this measure is negligible, as it does not substantively change the way that the City governs.

Summary of Policy Recommendations

From its inception, the SDCTA has been supportive of the City of San Diego's move to the Strong Mayor form of government. The SDCTA holds that Strong Mayor style governments in many cases increases accountability and efficiency in local governance. Additional research suggests that strong mayor government is more democratic, as it allows voters to select their chief executive rather than the City Council and bureaucrats in City Hall.¹

The amendment brings the charter into alignment with the change to Strong Mayor. While the measure does not substantively change the operation of the city in any way, it serves to make the charter much more comprehensible to the average citizen by making it reflective of current practice. The SDCTA supports efforts by the city to improve clarity in governmental documents whenever possible.

List of Proponents:

- Council President Sherri Lightner
- Councilmember Chris Cate
- San Diego Regional Chamber of Commerce
- League of Women Voters

Proponent Arguments:

- Proposition D brings the charter into alignment with current practice without substantively altering the operations of the city

¹ Schragger, Richard C.. 2006. "Can Strong Mayors Empower Weak Cities? on the Power of Local Executives in a Federal System". The Yale Law Journal 115 (9). The Yale Law Journal Company, Inc.: 2542–78. doi:10.2307/20455705.



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- Proposition D brings clarity to voters by making the city's foundational document reflective of how the city operates

List of Opponents:

None known

Opponent Arguments:

None known (no ballot arguments submitted)