



Taxpayers watchdog since 1945

707 Broadway, Suite 905, San Diego, CA 92101
P: (619) 234-6423 • F: (619) 234-7403 • www.sdcta.org

Measures E, F, and H - City of San Diego Charter Amendments

August 2016

SDCTA Position: **SUPPORT**

Rationale for Position: These non-controversial amendments streamline the Charter with clearer language and ensures that officials who have been convicted of a felony are removed from office. The amendments also ensure that the processes of removal, succession and interim positions have a smooth transition and remain fair. The amendments check the power of the City Attorney by reducing the probationary period for Deputy City Attorneys from two to one year and also shift procurement and contracting language from the Charter to the Municipal Code, a more appropriate place for these requirements.

Title: Measures E, F, and H

Jurisdiction: City of San Diego

Type: Charter Change Ballot Initiatives

Vote: Simple Majority

Status: On the November 8, 2016 General Election Ballot

Issue: Charter Cleanup

Description: Multiple charter amendments that are recommendations of long-term effort by the Charter Review Committee.

Fiscal Impact: These is likely no fiscal impact from these changes.

Background:

In 2013, the Council was concerned with Mayor Bob Filner who had been accused of up to twenty alleged cases of sexual harassment. City Attorney Jan Goldsmith then researched and developed ballot language to ensure a safety precaution of removing officials who have committed a felony from office.¹ The language would also ensure that in an event that there is a lack of confidence in the elected official, there can be action taken against the elected official. City Attorney Jan Goldsmith proposed to amend the San Diego Charter to ensure that the elected official convicted of felony or regarded as incompetent should be removed from office.

¹ Debbie, Skylar. "Procedures to Remove Elected Officials Could Go Before San Diego Voters - Times of San Diego." Accessed July 29, 2016. <http://timesofsandiego.com/politics/2016/05/18/procedures-remove-elected-officials-go-san-diego-voters/>.



Taxpayers watchdog since 1945

707 Broadway, Suite 905, San Diego, CA 92101
P: (619) 234-6423 • F: (619) 234-7403 • www.sdcta.org

The San Diego Charter also does not have a list of qualifications for City Attorney, which allows for any individual to get elected or appointed to the post in the event that an unexpected vacancy arises.² The proposed charter amendment would require the City Attorney to be a good standing member of the California State Bar and have a minimum of 10 years of experience practicing law in the state.

On 3 February 2016, the Charter Review Committee expressed a desire to move whatever specific language needed to implement improvements and efficiencies in the purchasing and contracting process out of the Charter and to the Municipal Code.³ Felipe Monroig, Deputy Chief of Staff for Community Engagement, Mayor's Office, issued the Report to the City on 13 April 2016 regarding the cleanup of language regarding the purchasing and contracting process and the shift to the Municipal Code.⁴

These amendments further simplify the Charter by shifting provisions that address procuring and contracting public works, goods, services, and consultants to the Municipal Code, a more appropriate place for these requirements. It also allows for more flexibility in the City's competitive procurement and contracting processes using modern methods of publishing notices. The language ensures that there are no conflicts of interest, favoritism or collusion in bidding and updates language in the Charter and Municipal Code to reflect State law. Further, it ensures that there is fair competition for the contracts for public works.

Policy Implications:

The updates would ensure that the elected officials remain accountable while in the office and grants power to the City Council to remove wayward elected officials from their positions. The proposed changes would create a common sense policy to remove officials who have committed felonies from office.

The updates would ensure that the power and authority of City Attorney is checked and that only qualified attorneys are eligible serve as City Attorney. The proposed measure would ensure that the City Attorney is qualified per relevant professional standards, and the reduction of the probationary period for Deputy City Attorneys and broadening of City Attorney duties would increase efficiency and effectiveness. The amendment streamlines the language of the Charter and Municipal Code and removes inconsistencies.

The Charter amendment will update language regarding the City's purchasing and contracting process, therefore clarifying the Charter. Removing language from the Charter and adding updated

² "Ballot May Include Firehouse Bond, Other City Measures | SanDiegoUnionTribune.com." Accessed July 29, 2016. <http://www.sandiegouniontribune.com/news/2016/jul/09/firehouse-bond-ballot-measure-november-marijuana/>.

³ http://docs.sandiego.gov/councilcomm_agendas_attach/2016/cr_160420_4.pdfhttp://docs.sandiego.gov/councilcomm_agendas_attach/2016/cr_160420_4.pdf

⁴ http://docs.sandiego.gov/councilcomm_agendas_attach/2016/cr_160420_4.pdfhttp://docs.sandiego.gov/councilcomm_agendas_attach/2016/cr_160420_4.pdf



Taxpayers watchdog since 1945

707 Broadway, Suite 905, San Diego, CA 92101
P: (619) 234-6423 • F: (619) 234-7403 • www.sdcta.org

language to the Municipal Code will enable more effective delivery of improvements and public efficiency regarding purchasing and contracting.

Fiscal Impact:

There is likely no fiscal impact from these changes.

List of Proponents:

- Council President Sherri Lightner
- Councilmember Lorie Zapf
- Councilmember Todd Gloria
- Councilmember Myrtle Cole
- Councilmember Mark Kersey
- Councilmember Chris Cate
- Councilmember Scott Sherman
- Councilmember David Alvarez
- Council President Pro Tem Marti Emerald
- League of Women Voters of San Diego
- City Attorney Jan Goldsmith

Proponent Arguments:

The proposed changes will act as a form of safety valve for the City Charter, to ensure that elected officials are competent, accountable, and law abiding. It also outlines the authority of interim positions when there is a vacancy in the elected office. The proposed changes will ensure that in the event of vacancy for City Attorney, only highly qualified individuals will be considered, rather than those with limited experience in practicing state law.

List of Opponents:

No known opponents.

Opponent Arguments:

Not applicable.