

ORDINANCE NUMBER O-19523 (NEW SERIES)

DATE OF FINAL PASSAGE AUGUST 4, 2006

AN ORDINANCE ESTABLISHING THE POLICY OF THE CITY OF SAN DIEGO TO REORGANIZE THE DEPARTMENTS OF THE CITY IN ORDER TO IMPROVE THE LEVEL OF SERVICES TO THE CITIZENS OF THE CITY AND REDUCE THE COST OF PROVIDING SUCH SERVICES

WHEREAS, on November 2, 2004 the citizens of San Diego approved Proposition F, which amended the City Charter to add Article XV to test the implementation of a new form of government commonly referred to as a Strong Mayor form of government; and

WHEREAS, on January 1, 2006, the Mayor assumed all executive power and responsibilities conferred upon the City Manager under Articles V, VII, and IX of the City Charter as the Chief Executive Officer of the City; and

WHEREAS, the duties assumed by the Mayor include the responsibility for planning the activities for the City government and for adjusting such activities to the finances available; and

WHEREAS, the Mayor has the right to issue administrative regulations that give controlling direction to the administrative service of the City; and

WHEREAS, the Mayor may recommend to the Council such measures and ordinances he deems necessary or expedient concerning the affairs of the City; and

WHEREAS, the City is facing numerous fiscal challenges including but not limited to the funding of its retirement system, post-employment medical benefits, deferred maintenance, and enterprise fund capital needs; and

WHEREAS, in order to provide more efficient and effective services to the citizens of the City the Mayor has began a Business Process Reengineering [BPR] which is designed to change

practices and procedures in City departments to streamline operations in order to more efficiently and cost effectively deliver services to the citizens of the City; and

WHEREAS, the Mayor has submitted a report entitled "Business Process Reengineering Report" [Report] which report sets forth the criteria and parameters pursuant to which the BPR will be undertaken, and a copy of said report is on file with the City Clerk as document no.\_\_\_\_; and

WHEREAS, in order to implement the BPR the Mayor will be required to restructure and reorganize City departments and offices, and to move personnel between such departments and offices; and

WHEREAS, Section 26 of the City Charter requires approval by the Council to change, abolish, combine or rearrange the existing departments, divisions and boards of the City; and

WHEREAS, Section 73 of the City Charter requires the approval of the Council to transfer appropriations between departments or offices of the City;

NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the Report of the Mayor relating to Business Process Reengineering is hereby accepted.

Section 2. That the Auditor and Comptroller is authorized, upon the direction of the Chief Financial Officer or Financial Management Director, to transfer appropriations between departments within the same Fund in order to accommodate any reorganizations that improve services and/or reduce the cost of providing services; provided that the Auditor and Comptroller shall provide a report (which report may be submitted in conjunction with the report of the

Mayor to be submitted in accordance with Section 5 below) no less than twice per fiscal year to the Council regarding any such transfer.

Section 3. That any projected or actual savings from any reorganization will be placed in the Unappropriated Reserved Account within the respective Fund. These funds shall not be expended for any purpose other than as originally intended without the recommendation of the Mayor and the approval of the City Council.

Section 4. That, prior to implementation, the Mayor shall provide to the Council a report on proposed changes to any department, division or board of the City as a result of BPR, including changes required to the Administrative Code and changes necessary to the Appropriations Ordinance; such report to be filed with the City Clerk, who shall place notice of such report on the next available Council docket following receipt of the report, and provided to the President and Members of the City Council.

Section 5. That the Council President or any four members of the Council shall have the right to demand a public hearing on any changes proposed as a result of BPR. Such hearing must take place and a determination made as to approve or reject the proposal within a review period that shall extend for 60 days or five Council Meetings, whichever period is shorter [Review Period], from the time that notice of such BPR changes is received by the City Clerk. For purposes of this ordinance a Council Meeting is defined as the regularly scheduled Monday and Tuesday sessions of the Council [Council Meeting]. If no hearing is held or if a hearing is held but the changes are not approved or disapproved by the Council within the Review Period, the BPR changes shall become effective and deemed approved in accordance with Charter section 26 and the provisions of this Ordinance.

Section 6. At the conclusion of the Review Period and no hearing having been held which results in the approval or rejection of the BPR, the Mayor, with the assistance of the City Attorney, is hereby authorized and directed to prepare all necessary documents to implement the BPR changes.

Section 7. Notwithstanding the foregoing, under no circumstances shall any transfer of funds or positions result in an increase to the overall appropriations of the City or of any Fund within the City.

Section 8. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 9. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By \_\_\_\_\_  
Mark D. Blake  
Chief Deputy City Attorney

MDB:ai  
07/12/06  
07/19/2006REV.  
07/26/2006REV.2  
Or.Dept:Mayor  
O-2007-10

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor