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Facing The Challenge of Implementing Proposition F in San Diego

Kevin F. McCarthy, Rae W. Archibald

With Brian Weatherford

Prepared for the Better Government Association of San Diego



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Executive Summary

After operating with a Council-Manager form of government for over seven decades, the voters of San Diego in last November's election passed Proposition F, a charter amendment that will institute a Mayor-Council form of government as of January 1, 2006. This decision was triggered both by a major unfunded liability in the City's pension program and by a more general decline in public confidence in the City's government. Concerned about the progress of the transition to the new form of government, the Better Government Association of San Diego, a sponsor of the charter amendment, contracted with RAND to identify and recommend organizational and procedural options for the new form of government and to recommend actions that might be taken to facilitate the transition.

Key Issues for the Executive Branch

Under the new system, San Diego's Mayor will have two principal duties: management responsibility for the City's operation and political responsibility for shaping the City's policy priorities. To perform these roles effectively, the Mayor will need to make four critical organizational decisions:

- Whether to merge or separate these management and policy responsibilities when the Mayor organizes his/her staff
- What specific role the City's Chief Administrative Officer will play
- How to organize the City's diverse departments into functional groupings
- How to structure the lines of reporting authority between the Mayor and the department heads.

There is no single best practice the Mayor can rely on in making these choices. Rather the Mayor must weigh two different sets of considerations: the City's need for clear political leadership and the effects a new leadership style and organization will have on City staff, the Council, and the public at large. Ultimately, the choice

will depend on how the Mayor weighs these considerations, the Mayor's leadership style, and the skills available among the Mayor's key staff.

In addition to these organizational choices, the Mayor will need to deal with three other key issues: strengthening the City's budget function; developing an effective working relationship with the Council; and determining how to play a central role in the City's land-use planning and redevelopment activities.

In light of the City's financial problems and the pending departure of the City Manager, the Mayor will need to consider bringing new talent into the budget office and addressing three critical issues in his/her first proposed budget: making an accurate estimate of the City's revenues; showing how the Mayor's key policy initiatives are reflected in that budget; and deciding how the City will begin to repay its outstanding obligation to the City's pension fund. These requirements will be very difficult to meet if the new Mayor is not elected until November.

The Mayor's success in enacting new policy initiatives will hinge directly on his/her working relationship with the Council. A likely source of conflict in the Mayor-Council relationship will be constituent relations. Under the City Charter, the Mayor's office is the direct point of contact for dealing with constituent complaints and requests for City service. But the Council likely will not easily surrender its role in this area. We recommend that the Mayor establish an office of constituent services with an ombudsman to handle constituent complaints and service requests and inform both the Mayor's office and relevant Council members' offices as to their disposition.

Under the current system, the Council serves as the City's redevelopment agency, and the Mayor, as presiding officer of the Council, is the head of that agency. Since the Mayor will no longer be a member of the Council under the new system, he or she will no longer automatically have a formal role in the City's redevelopment policies. The City's redevelopment policies are a central component of its economic and social development policies, so this situation needs to be remedied.

Ultimately, the Mayor's success will depend more on leadership skills and the use of "the soft powers" of the office than on the exercise of formal powers. Using the status provided by the Mayor's office, broad outreach to the community and the media, accessibility to the public, and openness to suggestions are all critical ingredients of such leadership.

Key Issues for the Council

The City Council must make three key organizational decisions:

- How much power to vest in its presiding officer

- How it structures and assigns members to its standing committees
- The duties and staffing of its new budget and legislative analyst's offices.

A strong presiding officer will often be critical to helping the Council adjust to its new role and to establishing an effective working relationship with the Mayor. Correspondingly, we recommend that the Council vest its presiding officer with strong powers, including serving a two-year term, enforcing Council rules, appointing members to committees, referring matters to committees, and managing the Council docket process.

The details of committee scope are more important than the absolute number of committees. In that regard, combining the finance and rules committees (as the chairman of the Council's transition task force has recommended) places too much power in the hands of that committee. Instead, we recommend that those committees be kept separate. We also recommend that five members be assigned to each committee to prevent two council members from blocking referral of proposed legislation to the Council.

Among the key decisions in establishing the new budget analyst's office identified in Proposition F—as well as a new legislative analyst's office—are the scope of these offices' duties and their staffing. The budget office's key duties should be to prepare a detailed analysis of the Mayor's proposed budget and an analysis of the fiscal impact of proposed legislation. The analysis of the Mayor's budget should include an identification of how that budget reflects the Mayor's key policy proposals as well as how the Mayor's priorities compare with Council's. Since the Council's approval of the annual budget is its most important legislative function, this analysis will be central to the Council's oversight function. The legislative analyst's office should, when tasked by the Council, include analysis of pending legislation and conduct research and analysis on special topics.

In deciding how to staff these offices, the Council should appoint a core staff and add staff and expertise as the need become apparent. In light of the City's financial problems, we also recommend that Council members reduce the size of their personal staffs and use those resources to staff the budget and legislative analysts' office.

The Council (and also potentially the new Mayor) faces a particularly troublesome relationship with the independently elected City Attorney. In light of the role the City Attorney plays as a central advisor to the Council by providing legal advice and vetting the language of ordinances and regulations, it is essential that the Council has faith that the City Attorney represents its interests. However, the current City Attorney's belief that he can serve as both advisor and investigator of the Council makes it difficult to see how the Council can have faith that he adequately represents its interests. Changing this situation will require the Council (and the new Mayor) to develop a better working relationship with the City Attorney.

Staff Issues

Effective municipal government requires that each of the three central actors in local government (the Mayor, the Council, and City staff) perform their separate roles. City staff handle the day-to-day business of the City and understand the workings of City government better than the City's elected officials. Thus, securing their active cooperation and support in implementing and working with the new system will be critical to the success of both the Mayor and the new system.

These observations underline the importance we attach to the Mayor's decisions about the organizational issues identified above because they will have a direct effect on how well the Mayor works with the City's senior staff. Since virtually all of the City's senior staff will have been recruited by previous City Managers, their deputies, and department heads (and may as a result prefer the Council-Manager system), it is crucial that the new Mayor provide clear guidance to senior staff as to what is expected of them.

Transition Issues and Recommendations

Based on the experience of other cities that have recently undergone similar changes, we make four general observations about the transition process. First, the transition will be an ongoing process rather than a short-term exercise that ends on January 1, 2006. Second, conflicts are inevitable in interpreting and implementing charter changes. Thus, it is useful to put resolution mechanisms into effect before specific issues are decided. Third, despite the fact that the Mayor-Council system is subject to a five-year trial period, it is important for the participants in the transition process to take a long-term view toward improving the City's government rather than focusing on their short-term political objectives. Fourth, given the City's current fiscal situation and San Diego's political culture, it is important that the transition process be as transparent and inclusive as possible.

We then make four recommendations for the transition process. First, in light of the pending resignations of the Mayor and City Manager and the fact that a new Mayor may not be elected until November, too little progress has been made in thinking about the organization of the City's executive branch. Correspondingly, we recommend that immediate attention and very high priority be given to these tasks—perhaps by hiring the consultant identified to work on executive office issues. The consultant should identify the key issues and potential options for resolving those issues.

Second, although the City Council and the Citizen's Advisory Board formed to assist the City during the transition have made some progress on transition issues, there has been too little coordination on these efforts between the Mayor and City

Manager's office. To increase that coordination we recommend that a transition manager be appointed to help identify tasks, issues, and schedule constraints in order to move the transition process along. We also suggest that the transition manager, in cooperation with representatives of the City Manager/Mayor's office, the Council, and the City Attorney, work through eight or ten common decision processes toward this goal.

Third, although there will be multiple legal issues involved in making changes in the municipal code consistent with the new Charter, we note that not all of these issues can be resolved prior to December 31. Moreover, changing the municipal code does not lend itself to haste. Consequently, although we recognize the need to deal with as many legal issues as possible during the transition period, we recommend that the transition process focus on resolving the substantive issues involved and leave the resolution of the legal details to an elected Charter Review Commission that would be established after the reform is implemented. Among the issues that this commission needs to address is expanding the size of the Council beyond its current eight members.

Finally, given the City's current fiscal situation and the uncertain costs of the transition and the organizational changes needed to ensure the effective working of the new government, we recommend that, to the greatest extent possible, the executive and legislative branches reallocate resources rather than simply appropriating new funds for the transition and the new governmental units.