

Article 2: Administrative Code

Division 37: Managed Competition Independent Review Board

(Former Division 37 “Managed Competition” repealed and added new Division 37 “Managed Competition Independent Review Board” 10-18-2010 by O-19996 N.S.)

§22.3701 Managed Competition Independent Review Board Advisory Role

Pursuant to San Diego Charter section 117(c), the Mayor shall establish the Managed Competition Independent Review Board to advise the Mayor whether a City department’s proposal or an independent contractor’s proposal will provide the services to the City most economically and efficiently while maintaining service quality and protecting the public interest.

(Added “Managed Competition Independent Review Board Advisory Role” 10-18-2010 by O-19996 N.S.; effective 11-17-2010.)

§22.3702 Appointment of Managed Competition Independent Review Board Members

The Managed Competition Independent Review Board shall be composed of:

- (a) Seven members appointed by the Mayor;
- (b) Three of the seven members shall be City staff including a Mayoral staff designee, a City Council staff designee, and the Chief Financial Officer or staff designee;
- (c) Four of the seven members shall be private citizens whose appointments shall be subject to City Council confirmation, and who shall serve without compensation. Each of the private citizen members shall have professional experience in one or more of the following areas: finance, law, public administration, business management, or the service areas under consideration by the Mayor, pursuant to San Diego Charter section 117(c).

(Added “Appointment of Managed Competition Independent Review Board Members” 10-18-2010 by O-19996 N.S.; effective 11-17-2010.)

§22.3703 Terms of Managed Competition Independent Review Board Members

To promote continuity and organizational knowledge, the terms of the initial appointees to the Managed Competition Independent Review Board shall be staggered as follows: Two private citizens shall serve an initial three-year term, and the other two private citizens shall serve two-year terms. All subsequent terms by private citizens shall be two years. A member who has served two complete terms shall be ineligible for reappointment for two years after leaving the Board. The three City staff Board members shall not be subject to the above term limits.

(Added “Terms of Managed Competition Independent Review Board Members” 10-18-2010 by O-19996 N.S.; effective 11-17-2010.)

§22.3704 Qualifications of Managed Competition Independent Review Board Members

Each member of the Managed Competition Independent Review Board shall comply with all of the following provisions during his or her tenure on the Board:

- (a) No member of the Board shall make a financial contribution to, or publicly support or oppose, a candidate for or incumbent in City office.
- (b) No member of the Board is permitted to act as a lobbyist required to register with the City pursuant to Chapter 2, Article 7, Division 40 of this Code.
- (c) Board members shall not have any personal or financial interests that would create conflicts of interest with the duties of a Board member. A conflict of interest code shall be adopted by the City Council for all Board members. All Board members shall be required to complete and file statements of economic interests in accordance with the conflict of interest code.
- (d) Board members shall be prohibited from entering into a contract with or accepting employment from an independent contractor that secures a City contract through Managed Competition for the duration of the contract. All City contracts secured through Managed Competition shall include a condition that the City shall unilaterally and immediately terminate the contract if the independent contractor enters into a contract with or employs a member of the Board during the term of the contract with the City.

- (e) Former Board members shall not enter into a contract with or accept employment with an independent contractor that secures a City contract through Managed Competition for the duration of that contract after leaving the Board, if that Board member participated in the selection process for that contract. All City contracts secured through Managed Competition shall include a condition that the City shall unilaterally and immediately terminate the contract if the independent contractor enters into a contract with or employs a former Board member during the term of the contract with the City, if that former Board member participated in the selection process for that contract.

(Added “Qualifications of Managed Competition Independent Review Board Members“ 10-18-2010 by O-19996 N.S.; effective 11-17-2010.)

§22.3705 Removal of Managed Competition Independent Review Board Members

A Managed Competition Independent Review Board member subject to City Council confirmation may be removed for cause by a vote of the majority of the members of the City Council. Before the City Council may remove a member of the Board, written charges shall be made against the Board member and an opportunity afforded for a public hearing before the City Council acts upon such charges. While charges are pending before the City Council, the City Council may suspend a Board member’s participation on the Board.

(Added “Removal of Managed Competition Independent Review Board Members“ 10-18-2010 by O-19996 N.S.; effective 11-17-2010.)