

OFFICE OF
THE CITY ATTORNEY
CITY OF SAN DIEGO

Michael J. Aguirre
CITY ATTORNEY

1200 THIRD AVENUE, SUITE 1620
SAN DIEGO, CALIFORNIA 92101-4178
TELEPHONE (619) 236-6220
FAX (619) 236-7215

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REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

CITY COUNCIL VOTING REQUIREMENTS

In light of the resignations of Mr. Zucchet and Mr. Inzunza, and the vacancy in the office of the Mayor, numerous inquiries have been made concerning the number of votes required of the City Council to conduct business.

In 1968, this Office issued an opinion under very similar circumstances; three council members had been elected to other offices, and the resultant vacancies would leave only six sitting council members. Questions were raised regarding the required number of members to constitute a quorum, and the required number of votes to conduct business and appoint successors.

The conclusion expressed therein, in part, was that five affirmative votes were necessary for the passage of resolutions and ordinances. We have reviewed the research and concluded that the opinion remains sound, and we see no reason why it is not applicable under the present circumstances.

In conclusion, five affirmative votes of the City Council are required to adopt resolutions and ordinances (except for those items under the City Charter which require six votes).

Respectfully submitted,

MICHAEL J. AGUIRRE
City Attorney

LJG:ljb
cc: P. Lamont Ewell
City Clerk
Enclosure
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