

ORDINANCE NO. 11654  
(New Series)

JUL 23 1975

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7  
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING  
THERETO DIVISION 31 ESTABLISHING A PROCEDURE  
FOR FILLING VACANCIES IN ELECTIVE OFFICES.

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

Section 1. That Chapter II, Article 7 of the San Diego  
Municipal Code be amended by adding Divison 31 to read as  
follows:

DIVISION 31

PROCEDURE FOR FILLING  
VACANCIES IN ELECTIVE OFFICES

SEC. 27.3101 PURPOSE AND INTENT

The Charter of The City of San Diego requires the  
City Council to fill a vacancy in the elective offices  
of the Mayor, other members of the Council and the City  
Attorney within thirty (30) days by appointment and fail-  
ing to do so within that time, the Council is required  
to immediately cause an election to be held to fill such  
vacancy. The purpose and intent of this division is to  
establish an orderly procedure for the Council to follow  
in making any appointment and for all persons interested  
in being appointed to the vacant office to follow in  
presenting their applications for consideration by the  
Council and at the same time to allow for public partici-  
pation in the selection process.

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REV. 6-24-75

MICROFILMED

MAY 8 1978

SEC. 27.3102 SPECIAL MEETING TO CONSIDER THE  
ALTERNATIVE OF APPOINTMENT OR  
ELECTION

As soon as it is known that there will be a vacancy in an elective office of The City of San Diego by reason of a resignation or that there exists a vacancy in such elective office by reason of a death or other unexpected circumstance, the presiding officer of the Council shall immediately call a special meeting of the Council to consider the question of whether the vacancy shall be filled by an appointment or an election. If the determination is made to fill the position by appointment, the procedures provided for in this division shall be followed.

SEC. 27.3103 NOTICE TO BE PUBLISHED BY CLERK

a. If a vacancy exists by reason of death or other unexpected circumstance, the City Clerk shall publish within five (5) days of the occurrence of the vacancy the following notice in a paper of general circulation within the City of San Diego:

A vacancy exists in the office of (Mayor), (Councilman, 1st through 8th District), or (City Attorney). Interested applicants may obtain information and forms at the office of the City Clerk, City Administration Building, 202 C Street, San Diego, California. To be considered, applications must be returned to the office of the City

Clerk by close of business, 5:00 p.m. on (insert date fourteen (14) days after occurrence of vacancy).

b. If a vacancy will exist by reason of a resignation to take effect at some future time, or by reason of an expected resignation at some future time, the City Clerk shall publish within a reasonable time the following notice:

A vacancy will exist in the office of (Mayor), (Councilman, 1st through 8th District), or (City Attorney) on (date vacancy expected to occur). Interested applicants may obtain information and forms at the office of the City Clerk, City Administration Building, 202 C Street, San Diego, California. To be considered, applications must be returned to the office of the City Clerk by close of business, 5:00 p.m. on (insert date of the day before vacancy occurs if at least a fourteen (14) day interval exists between publication and date of vacancy; if not, insert date fourteen (14) days after date of publication or fourteen (14) days after occurrence of vacancy, whichever first occurs).

SEC. 27.3104 APPLICATION FORMS AND REQUIREMENTS

a. Applicants for appointment to elective office shall file with the City Clerk on or before the date for return of applications as published by the City Clerk under Section 27.3103, the following:

1. Background information certified by the applicant that it is true and correct under penalty of perjury pursuant to

Section 2015.5 of the Code of Civil Procedure disclosing the following:

(a) Name.

(b) Address.

(c) Length of residence at above address and address for past five (5) years other than above.

(d) Date of birth.

(e) Marital status.

(f) Business or occupation engaged in during the past five (5) years together with address of and dates of service with each such business or occupation.

(g) Branch, dates and rank at discharge of military service.

(h) Education from high school to highest level attained together with the name of each educational institution attended and degree or diploma received.

2. A statement under penalty of perjury from a medical doctor licensed to practice medicine in the State of California describing in general terms the physical and mental health of the applicant and certifying that the applicant is physically and mentally capable of

performing the duties of the office applicant is seeking.

3. A statement of qualifications not longer than one hundred (100) words expressing in the applicant's own words the reasons why the applicant believes he is qualified for the office.

4. A petition with the signatures of fifty (50) registered voters in form and content similar to that required by Section 27.2104 of this Code.

b. The City Clerk shall furnish each applicant with a copy of this ordinance and shall advise each applicant of the dates set by the Council for public hearings on the applications.

c. The City Clerk shall further furnish all applicants with financial disclosure forms and each applicant who shall subsequently be invited to answer questions of the Council at the second public hearing shall complete and file such forms with the City Clerk at the close of business (5:00 o'clock p.m.) on the day following adjournment of the first public hearing. Each such applicant shall be informed by the City Clerk that a police and credit check shall be made on the applicant and the Council informed on the results thereof.

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SEC. 27.3105 TWO PUBLIC HEARINGS

Before any appointment to fill a vacancy in an elective office shall be made, the Council shall hold two (2) public hearings for the purpose of considering the applications for appointment. The first public hearing shall be held no sooner than the day after the period for filing applications has ended as provided in Section 27.3103, and the second public hearing shall be held no sooner than five (5) days and no later than seven (7) days after the first public hearing. The dates thereof shall be established and set by the Council in the special meeting required to be held by Section 27.3102.

SEC. 27.3106 FIRST PUBLIC HEARING

a. At the first public hearing required by Section 27.3105, each applicant shall be allowed three (3) minutes to make a presentation to the Council in support of the applicant's candidacy for appointment. At the discretion of the presiding officer, Council members may ask brief questions for clarification concerning either the presentation or matters contained in the application filed with the City Clerk.

b. Before the conclusion of the first public hearing the Council shall adjourn into executive session and select at least four (4) but no more than six (6) applicants to appear at the second

public hearing. After the selection is made the Council shall reconvene in public session and the presiding officer shall announce the names of the applicants invited to appear at the second public hearing and advise those selected that each will be required to file financial disclosure statements with the City Clerk by close of business (5:00 o'clock p.m.) on the following day or the next business day if the following days are holidays.

SEC. 27.3107 SECOND PUBLIC HEARING AND APPOINTMENT

a. At the second public hearing required by Section 27.3105, applicants shall be expected to answer questions concerning their candidacy. Such questions may concern but need not be limited to the candidate's background, philosophy of government, reasons for seeking appointment, and opinions on relevant municipal issues. The presiding officer shall allow, through appropriate parliamentary procedures and within appropriate time limits, an appropriate number of questions to be asked of any applicant by those members of the public in attendance at the second public meeting.

b. At the conclusion of the second public hearing the Council may then or at a later meeting meet in executive session to adopt a resolution appointing the person to fill the vacancy.

MICROFILMED

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SEC. 27.3108 BALLOT DESIGNATION OF PERSONS APPOINTED  
TO FILL VACANCIES

Anything to the contrary in Section 27.2201 notwithstanding, a person appointed to fill a vacancy to an elective office of The City of San Diego seeking to be elected to that office at the next election and desiring to indicate his appointed incumbency or the title of the appointed office shall be designated on the ballot at that election only in such a manner as to indicate that the person occupies such office by virtue of appointment rather than election. Without limitation and purely as examples, acceptable forms of designation are: "Appointed Incumbent," "Appointed Council Member," "Appointed Mayor," "Appointed City Attorney." The limitation on the number of words that may be used as provided by Section 27.2201 shall remain at "four." Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By

  
Robert S. Teaze  
Assistant City Attorney

RST:k  
5-20-75  
Or. Dept.: Councilwoman O'Connor

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11654  
MAY 8 1978  
MICROFILMED



JUL 23 1975

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_, by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bob Martinet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON  
Mayor of The City of San Diego, California.

EDWARD NIELSEN  
City Clerk of The City of San Diego, California.

(Seal)

By *Patricia Polen*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 9 1975

JUL 23 1975

and on \_\_\_\_\_, and on \_\_\_\_\_.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN  
City Clerk of The City of San Diego, California.

By *Patricia Polen*, Deputy.

RECEIVED  
CITY CLERK'S OFFICE  
1975 JUN 11 AM 8 40  
SAN DIEGO, CALIF. (Seal)

Office of the City Clerk, San Diego, California

Ordinance Number **11654** Adopted **JUL 23 1975**

**00349** **MICROFILMED** **MAY 8 1978**

ATTORNEY(S)

San Diego, City of  
12th Floor City Admin. Bldg.  
San Diego, Ca. 92101  
POLEN

RECEIVED  
CITY CLERK'S OFFICE  
1975 AUG 8 PM 1:45  
SAN DIEGO, CALIF. JW

**CERTIFICATE OF PUBLICATION**

No. \_\_\_\_\_

IN THE MATTER OF

Filling Vacancies in Elec. Office

AUG 8 1975 JW

I, PATRICIA M. APPLESTILL hereby certify that San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; and the

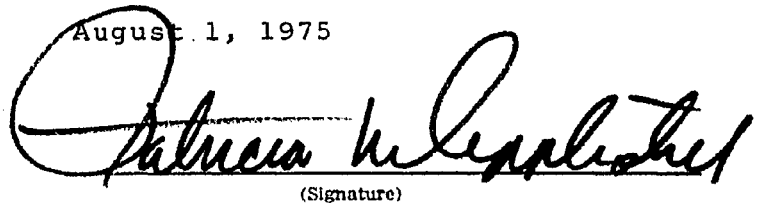
ORDINANCE NO. 11654 (NEW SERIES)

is a true and correct copy of which this certificate is annexed and was published in said newspaper on

August 1, 1975

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

August 1, 1975

  
(Signature)

00350 30 3/4" @ 4.84 \$148.83 + 28.50 (for 190 copies) (8177.33)

## ORDINANCE NO. 11654

(New Series)

### AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING THERETO DIVISIONS ESTABLISHING A PROCEDURE FOR FILLING VACANCIES IN ELECTIVE OFFICES.

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

Section 1. That Chapter II, Article 7 of the San Diego Municipal Code be amended by adding Division 31 to read as follows:

#### DIVISION 31

#### PROCEDURE FOR FILLING VACANCIES IN ELECTIVE OFFICES.

##### SEC. 27.3101 PURPOSE AND INTENT

The Charter of the City of San Diego requires the City Council to fill a vacancy in the elective offices of the Mayor, other members of the Council and the City Attorney within thirty (30) days by appointment and failing to do so within that time, the Council is required to immediately cause an election to be held to fill such vacancy. The purpose and intent of this division is to establish an orderly procedure for the Council to follow in making any appointment and for all persons interested in being appointed to the vacant office to follow in presenting their applications for consideration by the Council and at the same time to allow for public participation in the selection process.

##### SEC. 27.3102 SPECIAL MEETING TO CONSIDER THE ALTERNATIVE OF APPOINTMENT OR ELECTION

As soon as it is known that there will be a vacancy in an elective office of The City of San Diego by reason of a resignation or that there exists a vacancy in such elective office by reason of a death or other unexpected circumstance, the presiding officer of the Council shall immediately call a special meeting of the Council to consider the question of whether the vacancy shall be filled by an appointment or an election. If the determination is made to fill the position by appointment, the procedures provided for in this division shall be followed.

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b. If a vacancy will exist by reason of a resignation to take effect at some future time, or by reason of an expected resignation at some future time, the City Clerk shall publish within a reasonable time the following notice:

A vacancy will exist in the office of (Mayor), (Councilman, 1st through 8th District), or (City Attorney) on (date vacancy expected to occur). Interested applicants may obtain information and forms at the office of the City Clerk, City Administration Building, 202 C Street, San Diego, California. To be considered, applications must be returned to the office of the City Clerk by close of business, 5:00 p.m. on (insert date of the day before vacancy occurs if at least a fourteen (14) day interval exists between publication and date of vacancy; if not, insert date fourteen (14) days after date of publication or fourteen (14) days after occurrence of vacancy, whichever ever first occurs.)

SEC. 27.3104 APPLICATION FORMS AND REQUIREMENTS

a. Applicants for appointment to elective office shall file with the City Clerk on or before the date for return of applications as published by the City Clerk under Section 27.3103, the following:

1. Background information certified by the applicant that it is true and correct under penalty of perjury pursuant to Section 2015.5 of the Code of Civil Procedure disclosing the following:

- (a) Name.
- (b) Address.
- (c) Length of residence at above address and address for past five (5) years other than above.
- (d) Date of birth.
- (e) Marital status.
- (f) Business or occupation engaged in during the past five (5) years together with address of and dates of service with each such business or occupation.
- (g) Branch, dates and rank at discharge of military service.
- (h) Education from high school to highest level attained together with the name of each educational institution attended and degree or diploma received.

2. A statement under penalty of perjury from a medical doctor licensed to practice medicine in the State of California describing in general terms the physical and mental health of the applicant and certifying that the applicant is physically and mentally capable of performing the duties of the office applicant is seeking.

3. A statement of qualifications not longer than one hundred (100) words expressing in the applicant's own words the reasons why the applicant believes he is qualified for the office.

4. A petition with the signatures of fifty (50) registered voters in form and content similar to that required by Section 27.2104 of this Code.

b. The city clerk shall furnish each applicant with a copy of this ordinance and shall advise each applicant of the dates set by the Council for public hearings on the applications.

c. The City Clerk shall further furnish all applicants with financial disclosure forms and each applicant who shall subsequently be invited to answer questions of the Council at the second public hearing shall complete and file such forms with the City Clerk at the close of business (5:00 o'clock p.m.) on the day following adjournment of the first public hearing. Each such applicant shall be informed by the City Clerk that a police and credit check shall be made on the applicant and the Council informed on the results thereof.

##### SEC. 27.3105 TWO PUBLIC HEARINGS

Before any appointment to fill a vacancy in an elective office shall be made, the Council shall hold two (2) public hearings for the purpose of considering the applications for appointment. The first public hearing shall be held no sooner than the day after the period for filing applications has ended as provided in Section 27.3103, and the second public hearing shall be held no sooner than five (5) days and no later than seven (7) days after the first public hearing. The dates thereof shall be established and set by the Council in the special meeting required to be held by Section 27.3102.

##### SEC. 27.3106 FIRST PUBLIC HEARING

a. At the first public hearing required by Section 27.3105, each applicant shall be allowed three (3) minutes to make a presentation to the Council in support of the applicant's candidacy for appointment. At the discretion of the presiding officer, Council members may ask brief questions for clarification concerning either the presentation or matters contained in the application filed with the City Clerk.

b. Before the conclusion of the first public hearing the Council shall adjourn into executive session and select at least four (4) but no more than six (6) applicants to appear at the second public hearing. After the selection is made the Council shall reconvene in public session and the presiding officer shall announce the names of the applicants invited to appear at the second public hearing and advise those selected that each will be required to file financial disclosure statements with the City Clerk by close of business (5:00 o'clock p.m.) on the following day or the next business day if the following days are holidays.

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a. At the second public hearing required by Section 27.3105, applicants shall be expected to answer questions concerning their candidacy. Such questions may concern but need not be limited to the candidate's background, philosophy of government, reasons for seeking appointment, and opinions on relevant municipal issues. The presiding officer shall allow, through appropriate parliamentary procedures and within appropriate time limits, and appropriate number of questions to be asked of any applicant by those members of the public in attendance at the second public meeting.

b. At the conclusion of the second public hearing the Council may then or at a later meeting meet in executive session to adopt a resolution appointing the person to fill the vacancy.

##### SEC. 27.3108 BALLOT DESIGNATION OF PERSONS APPOINTED TO FILL VACANCIES

Notwithstanding to the contrary in Section 27.2201 anything to the contrary in Section 27.2201 notwithstanding, a person appointed to fill a vacancy to an elective office of the City of San Diego seeking to be elected to that office at the next election and desiring to indicate his appointed incumbency or the title of the appointed office shall be designated on the ballot at that election only in such a manner as to indicate that the person occupies such office by virtue of appointment rather than election. Without limitation and purely as examples, acceptable forms of designation are: "Appointed Incumbent," "Appointed Council Member," "Appointed Mayor," "Appointed City Attorney." The limitation on the number of words that may be used as provided by Section 27.2201 shall remain at "four."

Section 2. this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on July 9, 1975

Passed and adopted by the Council of The City of San Diego on July 23, 1975.

##### AUTHENTICATED BY:

PETE WILSON,  
Mayor of The City of San Diego, California.  
EDWARD NIELSEN,  
City Clerk of The City of San Diego, California.  
By: PATRICIA POLEN,  
Deputy.

(SEAL)  
Pub. August 1, 1975

LS 3344