

RESOLUTION NO. 215500 MAR 10 1976

WHEREAS, Ordinance No. 8691 (New Series) (San Diego Municipal Code Sections 57.01 through 57.01.48) relating to public charitable solicitations requires the applicant for a charitable solicitations permit to provide a statement that the estimated cost of the solicitation will not exceed fifty (50) per centum of the total amount to be raised if the solicitation is by the sale of merchandise or advertising, entertainment, athletic or sports event, bazaar, benefit, card party, contest, dance, exhibition, exposition, lecture, party or picnic; and

WHEREAS, Section 57.01.1(14) of Ordinance No. 8691 (New Series) gives the Chief of Police the authority to waive, "for good cause being shown," the aforementioned stipulated percentage in a particular case; and

WHEREAS, Ordinance No. 8691 (New Series) fails to provide any standards or guidelines to assist the Chief of Police in making a determination of whether "good cause" exists to waive the stipulated percentage in a particular case; NOW, THEREFORE,

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

That it is the intention of the Council of The City of San Diego that the Chief of Police should consider exercising his authority to waive "for good cause being shown" the fifty

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(50) per centum stipulated percentage under Municipal Code Section 57.01.1(14) only in cases where the applicant for a charitable solicitation permit is able to demonstrate that the value of the event or item to be received by the donor is substantially equivalent to the fair market value of the event or item.

BE IT FURTHER RESOLVED, that it is the intention of the Council of The City of San Diego that in the event a charitable solicitation is conducted pursuant to a waiver of the stipulated percentage, the Chief of Police should not exercise his discretion to waive any of the requirements contained in Ordinance No. 8691 (New Series) relating to the full disclosure of the estimated amount of funds proposed to be raised, the estimated cost of the solicitation, and the estimated amount which will remain for the designated charitable purpose.

BE IT FURTHER RESOLVED, that it is the intention of the Council of The City of San Diego that in making a determination of whether "good cause" exists to waive the stipulated percentage, the Chief of Police should consider the following factors: (1) the amount of Citywide publicity or other printed or recorded publicity insofar as it could constitute a permanent record for use in substantiating compliance with the full disclosure requirements; and (2) whether the proposed methods of disclosing to the public the nature and purpose of the solicitation are such that they are reasonably capable of being

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audited and enforced by the Police Department.

APPROVED: JOHN W. WITT, City Attorney

By Eugene P. Gordon  
Eugene P. Gordon  
Deputy City Attorney

EPG:rc:572  
2/26/76  
Or.Dept.: Mayor

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Passed and adopted by the Council of The City of San Diego on MAR 10 1976,  
 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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.

By Edward J. Salter, Jr., Deputy.

(Seal)

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