

ORDINANCE NO. 12111
(New Series)

O. 79-37
(REVISED)
AUG 14 1978

AN ORDINANCE OF THE CITY OF SAN DIEGO, CALIFORNIA, ORDERING, CALLING, PROVIDING FOR AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON NOVEMBER 7, 1978, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY TWO PROPOSITIONS RELATING TO THE SALE OR CONVEYANCE OF CERTAIN PUEBLO LANDS AND TWO PROPOSITIONS AMENDING THE CITY CHARTER.

WHEREAS, at a meeting held on August 14, 1978, the City Council of The City of San Diego adopted Resolution No. 221617 requesting the Board of Supervisors of the County of San Diego to order the consolidation of a special municipal election to be held on November 7, 1978, with the statewide general election to be held on the same date; and

WHEREAS, the Board of Supervisors of the County of San Diego is expected to grant the request and order the consolidation of the two elections; NOW, THEREFORE,

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

Section 1. A special municipal election is hereby called and ordered to be held in the City of San Diego, California, on November 7, 1978; and pursuant to the provisions of Section 219 dealing with the ratification of the sale or conveyance of Pueblo Lands and Section 223 of the Charter of The City of San Diego, the provisions of Section 3 of Article XI of the Constitution of the State of California and the provisions of Sections 34450 and 34459 of the California Government Code dealing with

REVISED 8/10/78

Charter amendments, the Council of The City of San Diego, being the legislative body thereof, hereby proposes and submits to the qualified voters of the City at such special municipal election the following propositions:

PROPOSITION _____

Ratification of Ordinance No. 12399 (New Series) authorizing the sale or conveyance of certain Pueblo Lands as follows:

"ORDINANCE NO. 12399
(New Series)

AN ORDINANCE AUTHORIZING THE SALE OR CONVEYANCE OF THE REMAINING PORTIONS OF PUEBLO LOTS 1317, 1318 AND 1351 OF THE PUEBLO LANDS OF SAN DIEGO, UPON SUCH TERMS AND CONDITIONS AS MAY BE DEEMED BY THE CITY COUNCIL TO BE IN THE BEST INTERESTS OF THE PEOPLE OF THE CITY OF SAN DIEGO.

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

Section 1. The City of San Diego be, and it is hereby authorized and empowered to sell or convey all or any portion of the remaining unratified portions of Pueblo Lots 1317, 1318 and 1351 consisting of a total area of approximately 257 acres more or less. The aforementioned Pueblo Lots are located generally westerly and southerly of Interstate 805, easterly of Genesee Avenue and northerly of a line southerly of Eastgate Mall.

Section 2. All sales or conveyances of the above described Pueblo Lots shall be made upon such terms and conditions as may be deemed by the City Council

to be in the best interests of the people of The City of San Diego.

Section 3. This ordinance requires ratification by the voters and being related to elections is of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

Section 4. This ordinance shall become effective only after it is affirmatively approved by a majority vote of the qualified electors of The City of San Diego voting at a special municipal election to be held in said City on the 7th day of November, 1978, at which a proposition to ratify this ordinance shall be submitted."

PROPOSITION _____

Ratification of Ordinance No. 12400 (New Series) authorizing the sale or conveyance of certain Pueblo Lands as follows:

"ORDINANCE NO. 12400
(New Series)

AN ORDINANCE AUTHORIZING THE SALE OR CONVEYANCE OF THE REMAINING PORTIONS OF PUEBLO LOTS 1353 AND 1355 OF THE PUEBLO LANDS OF SAN DIEGO, UPON SUCH TERMS AND CONDITIONS AS MAY BE DEEMED BY THE CITY COUNCIL TO BE IN THE BEST INTERESTS OF THE PEOPLE OF THE CITY OF SAN DIEGO.

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

Section 1. The City of San Diego be, and it is hereby authorized and empowered to sell or convey all

or any portion of the remaining unratified portions of Pueblo Lots 1353 and 1355 consisting of a total area of approximately 143 acres more or less. The aforementioned Pueblo Lots are located generally northerly and easterly of Interstate 805 and southeasterly of a point just north of Sorrento Valley Boulevard.

Section 2. All sales or conveyances of the above described Pueblo Lots shall be made upon such terms and conditions as may be deemed by the City Council to be in the best interests of the people of The City of San Diego.

Section 3. This ordinance requires ratification by the voters and being related to elections is of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

Section 4. This ordinance shall become effective only after it is affirmatively approved by a majority vote of the qualified electors of The City of San Diego voting at a special municipal election to be held in said City on the 7th day of November, 1978, at which a proposition to ratify this ordinance shall be submitted."

PROPOSITION _____

Amend Section 71 of Article VII of the Charter of The City of San Diego to read as follows:

"Section 71. PREPARATION AND PASSAGE OF ANNUAL
APPROPRIATION ORDINANCE

Upon receipt of the Manager's estimate, the Council shall prepare an appropriation ordinance using such estimate as a basis. The form, arrangement and itemization of the appropriation ordinance shall be determined and prescribed by the Auditor and Comptroller, and City Attorney. Provision shall be made by the Council for a minimum of two (2) public hearings upon the appropriation ordinance either before a Committee of the Council or before the Council sitting as a committee of the whole. Following the public hearings, the appropriation ordinances shall take the same course in the Council as other ordinances and shall be adopted during the month of July. The Council may reduce or eliminate any item, may increase any amount or add any new item for personal services, contractual services, materials, supplies, and equipment for any Department. However, the appropriation for the general operations of the City excluding water utilities funds, capital improvements, bond interest and redemption, retirement system contributions, grant funded programs, all other special funds in existence prior to the effective date of this section and expenditures to pay judgments or extraordinary claims or to defray the cost of emergency measures as defined in Section 17 of this Charter shall not exceed the prior year's appropriation for general operations of the City, with the stated exclusions, adjusted by no more than three quarters (3/4) of the percentage change in the price

index added to any percentage increase in population growth. For purposes of this limitation, the term "percentage change in price index" shall be the percentage change from the first full quarter of the prior calendar year to the first full quarter of the current calendar year in the costs of goods and services purchased by local governments, as determined by the City Auditor and Comptroller from information published by United States Department of Commerce or other official government sources. The term "percentage increase in population growth" shall be any percentage increase from the first full quarter of the prior calendar year to the first full quarter of the current calendar year in the total population of the City as estimated by the Planning Director. This limitation shall not apply to any expenditure approved by a majority of the qualified electors of the City voting at a general or special election subsequent to the effective date of this section. In the event that the revenues for the general operations of the City, with the stated exclusions, exceed the appropriation for such operations by more than 5%, such excess shall be used solely for tax reductions or tax refunds in a manner determined by the City Council. Upon final passage, the appropriation ordinance shall be published in the manner provided for the publication of other ordinances."

PROPOSITION _____

Amend Section 18 of Article III of the Charter of The City of San Diego to read as follows:

"Section 18." AUTHENTICATION AND PUBLICATION OF ORDINANCES AND RESOLUTIONS

Upon its final passage each ordinance or resolution shall be authenticated by the signatures of the Mayor and the City Clerk and shall be recorded in a book kept for that purpose. Within fifteen days after final passage the title and number of each ordinance or resolution of a general nature, together with a digest thereof prepared by the City Attorney, shall be published at least once in such manner as may be provided by this Charter or by ordinance. The publication shall be accompanied by the notice that the full text of the ordinance or resolution is available for perusal in the office of the City Clerk."

Section 2. The propositions shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in Section 4 of this ordinance.

Section 3. The polls for this special municipal election shall be open at 7:00 a.m. (local time) on November 7, 1978, and shall remain open continuously until 8:00 p.m. (local time) on the same day at which time the polls shall be closed, except as provided in Section 14436 of the Elections Code of the State of California.

Section 4. Since this election is being consolidated with the statewide general election; and since the Board of Super-

visors of the County of San Diego is hereby authorized to canvass returns of this election; and since only one form of ballot is authorized, the method of voting upon these measures shall be as provided in the Elections Code of the State of California; the form of the propositions as they are to appear on the ballot is as follows:

<p>PROPOSITION _____ . RATIFICATION OF ORDINANCE NO. 12399 (NEW SERIES).</p> <p>Shall Ordinance No. 12399 (New Series) entitled, "AN ORDINANCE AUTHORIZING THE SALE OR CONVEYANCE OF THE REMAINING PORTIONS OF PUEBLO LOTS 1317, 1318 AND 1351 OF THE PUEBLO LANDS OF SAN DIEGO, UPON SUCH TERMS AND CONDITIONS AS MAY BE DEEMED BY THE CITY COUNCIL TO BE IN THE BEST INTERESTS OF THE PEOPLE OF THE CITY OF SAN DIEGO," adopted by the Council of The City of San Diego be ratified?</p>	<p>YES</p>	
	<p>NO</p>	

<p>PROPOSITION _____ . RATIFICATION OF ORDINANCE NO. 12400 (NEW SERIES).</p> <p>Shall Ordinance No. 12400 (New Series) entitled, "AN ORDINANCE AUTHORIZING THE SALE OR CONVEYANCE OF THE REMAINING PORTIONS OF PUEBLO LOTS 1353 AND 1355 OF THE PUEBLO LANDS OF SAN DIEGO, UPON SUCH TERMS AND CONDITIONS AS MAY BE DEEMED BY THE CITY COUNCIL TO BE IN THE BEST INTERESTS OF THE PEOPLE OF THE CITY OF SAN DIEGO," adopted by the Council of The City of San Diego be ratified?</p>	<p>YES</p>	
	<p>NO</p>	

PROPOSITION ____ . CITY OF SAN DIEGO CHARTER AMENDMENT. AMENDS SECTION 71 OF THE CHARTER OF THE CITY OF SAN DIEGO.	YES	
Shall the Charter be amended to limit the amount of money that may be set aside for the general operations of the City?	NO	

PROPOSITION ____ . CITY OF SAN DIEGO CHARTER AMENDMENT. AMENDS SECTION 18 OF THE CHARTER OF THE CITY OF SAN DIEGO.	YES	
Shall the Charter be amended to permit the publication of the title, number and digest of an ordinance or resolution of general interest rather than the full text thereof?	NO	

Section 5. An appropriate mark placed in the voting square after the word "YES," shall be counted in favor of the adoption of the proposition. An appropriate mark placed in the voting square after the word "NO," in the manner hereinbefore provided, shall be counted against the adoption of the proposition.

Section 6. The special municipal election called for November 7, 1978, in the City of San Diego is hereby ordered consolidated with the statewide general election to be held on the same date. Within the City of San Diego the precincts, polling places and officers of the election for the special municipal election shall be the same as those provided for in the statewide general election, all as set forth in the List of Election Officers and Polling Places which will be on file in the Office of the Registrar of Voters, San Diego County, as of September 1, 1978.

REVISED 8/10/78

Section 7. The Board of Supervisors of the County of San Diego is hereby authorized to canvass the returns of the special municipal election and these elections shall be held in all respects as if there were only one election, and within the City only one form of ballot shall be used. The Board of Supervisors shall certify the results of the canvass of the returns of this special municipal election to the Council of The City of San Diego which shall then declare the results of the election.

Section 8. The propositions submitted by this ordinance shall be designated on the ballot by a letter printed on the left margin of the square containing the description of the measure as provided in Section 10219 of the Elections Code of the State of California.


Section 9. Except as otherwise provided in this ordinance, the special municipal election shall be conducted as provided by law for other municipal elections of the City.

Section 10. The City Clerk shall cause this ordinance to be published once in the official newspaper. No other notice of the election need be given.

Section 11. This ordinance shall take effect on August 14, 1978, being the day of its introduction and passage.

APPROVED: JOHN W. WITT, City Attorney

By


Robert S. Teaze
Assistant City Attorney

RST:rc:930.39
8/9/78 REV. 8/10/78
Or. Dept.: Clerk

OLD LANGUAGE--Crossed Out
NEW LANGUAGE--Underlined

PROPOSITION _____

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Upon receipt of the Manager's estimate, the Council shall prepare an appropriation ordinance using such estimate as a basis. The form, arrangement and itemization of the appropriation ordinance shall be determined and prescribed by the Auditor and Comptroller, and City Attorney. Provision shall be made by the Council for a minimum of two (2) public hearings upon the appropriation ordinance either before a Committee of the Council or before the Council sitting as a committee of the whole. Following the public hearings, the appropriation ordinances shall take the same course in the Council as other ordinances and shall be adopted during the month of July. The Council may reduce or eliminate any item, may increase any amount or add any new item for personal services, contractual services, materials, supplies, and equipment for any Department. However, the appropriation for the general operations of the City excluding water utilities funds, capital improvements, bond interest and redemption, retirement system

contributions, grant funded programs, all other special funds in existence prior to the effective date of this section and expenditures to pay judgments or extraordinary claims or to defray the cost of emergency measures as defined in Section 17 of this Charter shall not exceed the prior year's appropriation for general operations of the City, with the stated exclusions, adjusted by no more than three quarters (3/4) of the percentage change in the price index added to any percentage increase in population growth. For purposes of this limitation, the term "percentage change in price index" shall be the percentage change from the first full quarter of the prior calendar year to the first full quarter of the current calendar year in the costs of goods and services purchased by local governments, as determined by the City Auditor and Comptroller from information published by United States Department of Commerce or other official government sources. The term "percentage increase in population growth" shall be any percentage increase from the first full quarter of the prior calendar year to the first full quarter of the current calendar year in the total population of the City as estimated by the Planning Director. This limitation shall not apply to any expenditure approved by a majority of the qualified electors of the City voting at a general or special election subsequent to the effective date of this section. In the event that the revenues for the general operations of the City, with the stated exclusions, exceed the appropria-

tion for such operations by more than 5%, such excess shall be used solely for tax reductions or tax refunds in a manner determined by the City Council. Upon final passage, the appropriation ordinance shall be published in the manner provided for the publication of other ordinances."

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Passed and adopted by the Council of The City of San Diego on 1978
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fred Schnaubelt	<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"/>
Larry Stirling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jess D. Haro	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

(Seal)

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By Betty Goodberg, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on AUG 14 1978, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

~~I FURTHER CERTIFY that the final reading of said ordinance was in full.~~

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.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Betty Goodberg, Deputy.

AUG 14 1978
 12:11 PM

Office of the City Clerk, San Diego, California	
Ordinance Number <u>12414</u>	Adopted <u>AUG 14 1978</u>

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