

ORDINANCE NO. 12652  
(New Series)

MAY 22 1979

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7,  
DIVISION 20, OF THE SAN DIEGO MUNICIPAL CODE,  
BY AMENDING SECTION 27.2023, RELATING TO  
RESIDENCY REQUIREMENTS OF ELECTIVE OFFICERS.

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

Section 1. That Chapter II, Article 7, Division 20,  
of the San Diego Municipal Code be and the same is hereby  
amended by amending Section 27.2023 to read as follows:

SEC. 27.2023 RESIDENCY REQUIREMENTS OF ELECTIVE  
OFFICERS

The residency requirements for elective officers  
set forth in Section 7 of the Charter of The City of  
San Diego having been impliedly rendered invalid by  
Johnson v. Hamilton, 15 Cal.3d 461 (1975), the fol-  
lowing shall apply:

a. No person shall be eligible to or hold the  
office of Mayor or City Attorney of the City, either  
by election or appointment, unless that person is,  
at the time of assuming such office, a resident and  
elector thereof and was a registered voter of the City  
at least thirty (30) days prior to the date nominating  
papers were filed by the candidate pursuant to Section  
27.2101 of this article or at least thirty (30) days  
prior to the date of filing an application for appoint-  
ment to an elective office pursuant to Section 27.3104  
of this article.

b. No person shall be eligible to or hold the office of a Councilmember, other than the Mayor, either by election or appointment, unless that person is, at the time of assuming such office, a resident and elector of the district from which nomination or appointment is sought and was a registered voter of the district at least thirty (30) days prior to the date nominating papers were filed by the candidate pursuant to Section 27.2101 of this article or at least thirty (30) days prior to the date of filing an application for appointment to an elective office pursuant to Section 27.3104 of this article.

Section 2. This ordinance relating as it does to elections shall take effect and be in force on the day of its introduction and adoption pursuant to Section 17 of the Charter.

APPROVED: JOHN W. WITT, City Attorney

By Stuart H. Swett  
Stuart H. Swett  
Chief Deputy City Attorney

SHS:rc:930  
4/24/79 REVISED 5/18/79  
Or. Dept.: City Clerk

Passed and adopted by the Council of The City of San Diego  
on May 22, 1979, by the following vote:

YEAS: Mitchell, O'Connor, Lowery, Williams, Schnaubelt, Stirling, Killea.

NAYS: \_\_\_\_\_

NOT PRESENT: Gade, Wilson.

AUTHENTICATED BY:

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

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

(SEAL)

By BARBARA BERRIDGE, Deputy.

I HEREBY CERTIFY that the above and foregoing is a full,  
true and correct copy of RESOLUTION NO. \_\_\_\_\_  
passed and adopted by the Council of The City of San Diego,  
California, on \_\_\_\_\_.

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

(SEAL)

By \_\_\_\_\_, Deputy.

(Rev. 12/78)  
ca

12662

Passed and adopted by the Council of The City of San Diego on MAY 22 1979  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<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"/>
Bill Lowery	<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"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Barbara Berridge, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on MAY 22 1979, 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 Barbara Berridge, Deputy.

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of ORDINANCE NO. 12662 (NEW ORDINANCE) of The City of San Diego, California, passed and adopted by the Council of said City MAY 22 1979

CHARLES G. ABDELNOUR, City Clerk

By Barbara Berridge  
Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>12662</u>	Adopted <u>MAY 22 1979</u>

XTCORNEKX

City of San Diego  
13th floor, City Admin. Bldg.  
202 D St.  
San Diego, CA 92101

Attn: Barbara Berridge

CERTIFICATE OF PUBLICATION

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

IN THE MATTER OF

RESIDENCY REQUIREMENTS OF ELECTIVE OFFICERS

**ORDINANCE NO. 12662**

(New Series)

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7, DIVISION 20, OF THE SAN DIEGO MUNICIPAL CODE, BY AMENDING SECTION 27.2023, RELATING TO RESIDENCY REQUIREMENTS OF ELECTIVE OFFICERS.

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

Section 1. That Chapter II, Article 7, Division 20, of the San Diego Municipal Code be and the same is hereby amended by amending Section 27.2023 to read as follows:

SEC. 27.2023 RESIDENCY REQUIREMENTS OF ELECTIVE OFFICERS

The residency requirements for elective officers set forth in Section 7 of the Charter of The City of San Diego having been impliedly rendered invalid by Johnson v. Hamilton, 15 Cal.3d 681 (1975), the following shall apply:

a. No person shall be eligible to or hold the office of Mayor or City Attorney of the City, either by election or appointment, unless that person is, at the time of assuming such office, a resident and elector thereof and was a registered voter of the City at least thirty (30) days prior to the date nominating papers were filed by the candidate pursuant to Section 27.2101 of this article or at least thirty (30) days prior to the date of filing an application for appointment to an elective office pursuant to Section 27.3104 of this article.

b. No person shall be eligible to or hold the office of a Councilmember, other than the Mayor, either by election or appointment, unless that person is, at the time of assuming such office, a resident and elector of the district from which nomination or appointment is sought and was a registered voter of the district at least thirty (30) days prior to the date nominating papers were filed by the candidate pursuant to Section 27.2101 of this article or at least thirty (30) days prior to the date of filing an application for appointment to an elective office pursuant to Section 27.3104 of this article.

Section 2. This ordinance relating as it does to elections shall take effect and be in force on the day of its introduction and adoption pursuant to Section 17 of the Charter.

Introduced and adopted by the Council of The City of San Diego on May 22, 1979.

AUTHENTICATED BY:

PETE WILSON,

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR,

City Clerk of The City of San Diego, California.

(SEAL)

By BARBARA BERRIDGE, Deputy.

Published June 8, 1979

60-6128

I, Patricia M. Spaulding, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1969, Decree No. 14894; and the

ORDINANCE NO. 12662

(New Series)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to-wit:

June 8, 1979

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 13th day of June, 1979.

  
(Signature)

8 1/2 - # 51, 60

# Affidavit of Publication

## Affidavit of Publication of

ORDINANCE NO. 12662

PO-12662

STATE OF CALIFORNIA }  
County of San Diego } ss.

The Undersigned, being duly sworn, deposes and says: That .....he is a resident of the County of San Diego.

THAT.....he is and at all times herein mentioned was a citizen of the United States, over the age of twenty-one years, and that .....he is not a party to, nor interested in the above entitled matter; that .....he is

Chief Clerk for the publisher of the.....  
THE SAN DIEGO UNION  
THE EVENING TRIBUNE

a newspaper of general circulation, printed and published daily (EXCEPT SUNDAY TRIBUNE)

in the City of San Diego, County of San Diego, and which newspaper is published for the dissemination of local news and intelligence of a general character, and which newspaper at all the times herein mentioned had and still has a bona fide subscription list of paying subscribers, and which newspaper has been established, printed and published at regular intervals in the said City of San Diego, County of San Diego, for a period exceeding one year next preceding the date of publication of the notice hereinafter referred to, and which newspaper is not devoted to nor published for the interests, entertainment or instruction of a particular class, profession, trade, calling, race, or denomination, or any number of same; that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following date, to-wit:

JUNE 5, 1979

*[Signature]*  
Chief Clerk for the Publisher.

Subscribed and Sworn to before me this.....

5 day of..... JUNE....., 19..79

*[Signature]*  
Notary Public in and for the said County and State.

CITY OF SAN DIEGO  
OFFICE OF THE CITY CLERK  
CITY ADMINISTRATION BUILDING  
12TH. FLOOR  
SAN DIEGO, CALIFORNIA 92101

**ORDINANCE NO. 13082**  
**(New Series)**  
**AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7, DIVISION 20, OF THE SAN DIEGO MUNICIPAL CODE, BY AMENDING SECTION 27.202, RELATING TO RESIDENCY REQUIREMENTS OF ELECTIVE OFFICERS.**  
BE IT ORDAINED, by the Council of The City of San Diego, as follows:  
Section 1. That Chapter II, Article 7, Division 20, of the San Diego Municipal Code be and the same is hereby amended by amending Section 27.202 to read as follows:  
**SEC. 27.202 RESIDENCY REQUIREMENTS OF ELECTIVE OFFICERS**  
The residency requirements for elective officers set forth in Section 7 of the Charter of The City of San Diego having been implicitly rendered invalid by *Johann v. Hamilton*, 15 Cal.3d 681 (1978), the following shall apply:  
a. No person shall be eligible to or hold the office of Mayor or City Attorney of the City, either by election or appointment, unless that person is, at the time of assuming such office, a resident and elector thereof and was a registered voter of the City at least thirty (30) days prior to the date nominating papers were filed by the candidate pursuant to Section 27.2101 of this article or at least thirty (30) days prior to the date of filing an application for appointment to an elective office pursuant to Section 27.2104 of this article.  
b. No person shall be eligible to or hold the office of a Councilmember, other than the Mayor, either by election or appointment, unless that person is, at the time of assuming such office, a resident and elector of the district from which nomination or appointment is sought and was a registered voter of the district at least thirty (30) days prior to the date nominating papers were filed by the candidate pursuant to Section 27.2101 of this article or at least thirty (30) days prior to the date of filing an application for appointment to an elective office pursuant to Section 27.2104 of this article.

Section 2. This ordinance relating as it does to elections shall take effect and be in force on the day of its introduction and adoption pursuant to Section 17 of the Charter.  
Passed and adopted by the Council of The City of San Diego on May 23, 1979 by the following vote:  
YEAS: Mitchell, O'Connor, Lowery, Williams, Schanzelt, Strling, Kilian.  
NAYS: None.  
ABSENT: Gade, Wilson.  
AUTHENTICATED BY:  
PETE WILSON  
Mayor of the City of San Diego, California.  
CHARLES G. ABDELNOUR  
City Clerk of the City of San Diego, California  
  
(Read) By BARBARA REEDER,  
Deputy  
6/5 (1982)

12662

