

ORDINANCE NO. O-15452
(New Series)

FEB 17 1981

AN ORDINANCE OF THE CITY OF SAN DIEGO, CALIFORNIA, ORDERING, CALLING, PROVIDING FOR AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION BY MAIL TO BE HELD IN THE CITY ON MAY 5, 1981 FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO ORDINANCE NO. O-15375 (NEW SERIES) ENTITLED, "AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, APPROVING THAT CERTAIN LEASE AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO OF CERTAIN PROPERTY LOCATED IN THE COLUMBIA REDEVELOPMENT PROJECT FOR THE PURPOSE OF CONSTRUCTION AND OPERATION OF A CONVENTION AND EXHIBITION CENTER," FOR THEIR APPROVAL OR REJECTION.

WHEREAS, on November 26, 1980, a Referendary Petition requesting the City Council to repeal or rescind Ordinance No. O-15375 (New Series) or submit said ordinance to the registered voters of the City for their approval or rejection was filed in the Office of the City Clerk; and

WHEREAS, the City Clerk has found the Referendary Petition to contain the requisite number of valid signatures and to be in proper form and has so certified, and has presented the petition with his certification attached to the City Council on December 16, 1980; and

WHEREAS, on December 16, 1980, the City Council adopted Resolution No. R-253335 declaring its intent to submit said ordinance to the registered voters of the City for their approval or rejection; and

WHEREAS, the Council now desires to call a special municipal election for said purpose and to conduct said election solely by mailed ballot on May 5, 1981; and

WHEREAS, on February 17, 1981, the City Council adopted Resolution No. R-253645 requesting the Board of Supervisors of the County of San Diego to authorize and direct the Registrar of Voters of the County of San Diego to perform certain services, under the direction and supervision of the City Clerk of The City of San Diego, in connection with said special municipal election by mail to be held on May 5, 1981; NOW, THEREFORE,

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

Section 1. Pursuant to the provisions of the Charter of The City of San Diego and the provisions of Sections 3 and 5, Article XI, of the Constitution of the State of California, a special municipal election is hereby called and ordered to be held in the City of San Diego, California, on May 5, 1981, and to be conducted solely by mailed ballot in the manner herein provided.

Section 2. The Council of The City of San Diego hereby submits to the qualified voters of the City at such special municipal election by mail the following proposition:

PROPOSITION _____

Approve Ordinance No. 15375 (New Series) of the Ordinances of The City of San Diego, which reads as follows:

ORDINANCE NO. O-15375
(New Series)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, APPROVING THAT CERTAIN LEASE AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO OF CERTAIN PROPERTY LOCATED IN THE COLUMBIA REDEVELOPMENT PROJECT FOR THE PURPOSE OF CONSTRUCTION AND OPERATION OF A CONVENTION AND EXHIBITION CENTER.

WHEREAS, the Redevelopment Agency of the City of San Diego (the "Agency") proposes to acquire a certain site (the "site") within the Columbia Redevelopment Project and proposes to construct certain public facilities thereon (the "Facility") and to lease the Site to the City of San Diego (the "City") for use as a Convention and Exhibition Center facility (the "Lease Agreement"), a copy of which is on file with the office of the City Clerk as Document No. 00-15375

WHEREAS, the Agency proposes to finance such acquisition and construction through the issuance of lease revenue bonds pursuant to the Community Redevelopment Law (Part I of Division 24 of the Health and Safety Code of the State of California), such bonds to be payable as to principal and interest from certain revenues including the proceeds of rents to be paid by the City under the terms of said Lease Agreement; and

WHEREAS, Article 9, Chapter 5, Part I, Division 2, Title 5 (commencing with Section 54240) of the Government Code of the State of California requires that

prior to entering into said Lease Agreement the City shall have approved it by ordinance which shall be subject to referendum;

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

Section 1. This Council hereby approves the Lease Agreement in the form on file with the City Clerk, provided that the amount of annual base rent payable by the City thereunder shall not exceed Twenty-Five Million Dollars (\$25,000,000).

Section 2. Subject to the provisions of Section 1 and subsequent to the effective date hereof, the City Manager is hereby authorized and empowered to execute said Lease Agreement and the City Clerk is authorized and directed to attest thereto and to affix the official seal of the City thereto and to cause said Lease Agreement, following execution by the Agency, to be recorded with the County Recorder of San Diego County.

Section 3. Any provisions of the San Diego Municipal Code, or appendices thereto inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed or modified to that extent necessary to effect the provisions of this ordinance.

Section 4. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision

of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 5. The City Clerk shall certify to the passage of this ordinance by a two-thirds' vote of the Council and cause the same to be published once in the official newspaper within fifteen (15) days after its adoption, and it shall take effect on the 31st day after its final passage.

APPROVED: JOHN W. WITT, City Attorney

By Harold O. Valderhaug, Deputy

HOV:ps
10/6/80
Or. Dept.: CCDC

Section 3. The proposition shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in this ordinance. On the ballots to be used at this special municipal election by mail, in addition to any other matters required by law, there shall be printed substantially the following:

<p>PROPOSITION _____. APPROVAL OF ORDINANCE NO. 15375 (NEW SERIES).</p> <p>Shall Ordinance No. 15375 (New Series) of the Ordinances of The City of San Diego adopted by the Council on October 28, 1980, which approved a lease agreement between The City of San Diego and the Redevelopment Agency of The City of San Diego of certain property located in the Columbia Redevelopment Project for the purpose of construction and operation of a convention and exhibition center be approved?</p>	<p>YES</p>	
	<p>NO</p>	

Section 4. This special municipal election called for May 5, 1981 in the City of San Diego shall be conducted entirely by mail except as otherwise provided in this ordinance.

Section 5. Written arguments for and against this proposition may be submitted to the City Clerk provided they are received by the City Clerk by 5 p.m., Monday, March 2, 1981. No argument shall exceed 300 words in length. The City Clerk shall cause an argument for and an argument against the proposition to be printed pursuant to the provisions of Sections 5013, 5014, 5014.1 and 5016 of the Elections Code of the State of California.

Section 6. The Registrar of Voters shall provide or cause to be provided by United States mail to all registered voters eligible to vote in the City a mail ballot packet consisting

of a ballot, a ballot pamphlet, a pre-addressed and pre-stamped return identification envelope and any other materials necessary for the voters to mark and return their ballots.

Section 7. Application for an absent voter's ballot shall be made in writing to the Registrar of Voters between the 29th and the 15th day prior to the election. The application shall be signed by the applicant and shall show his place of residence. Any applications received by the Registrar of Voters prior to the 29th day shall be kept and processed during the application period. The absentee ballot shall be available to any registered voter and shall consist of the mail ballot packet provided to all registered voters pursuant to Section 6 of this ordinance.

Section 8. Any voter who signs a statement under penalty of perjury that the ballot has been lost, destroyed or not received may receive a replacement ballot provided that the request, either in writing or in person, including execution of an affidavit, is received by the Registrar of Voters no later than the sixth day prior to election day. Any voter who returns a ballot which has been inadvertently damaged and signs an affidavit under penalty of perjury to that effect may receive a replacement ballot provided that the request, either in writing or in person, is received by the Registrar of Voters prior to midnight on election day. The Registrar of Voters shall keep a record of each replacement ballot provided and verify, prior to counting any duplicate ballot, that the voter has not attempted to vote twice. If it is determined that a

voter has attempted to vote twice, both ballots shall be void.

Section 9. Notwithstanding any other provision of law, the Registrar of Voters shall not commence to mail the mail ballot packet prior to the 15th day before the election and shall complete the mailing by the 11th day before the election.

Section 10. 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 11. Ballots shall be returned in the pre-addressed and pre-stamped return identification envelope provided in the mail ballot packet by deposit in the United States mail or at any other place of deposit that may be designated by the City Clerk or the Registrar of Voters. Only ballots returned in the return identification envelope issued by the Registrar of Voters will be valid. Mailed ballots or ballots delivered and deposited by other means must be received by the Registrar of Voters or the City Clerk by 12 o'clock midnight on election day, May 5, 1981, to be valid. A returned ballot shall be considered valid and shall be counted only if the outside of the return identification envelope, in the space so designated, is signed by the voter to whom it was issued.

Section 12. Signatures on the return identification envelope shall be compared with that appearing on the affidavit of registration, pursuant to the provisions of Section 1015 of the Elections Code of the State of California.

Section 13. Spanish language distribution of election materials and the mailing of Spanish language materials shall be in accordance with Federal law.

Section 14. The City Clerk and the Registrar of Voters are hereby authorized to canvass the returns of the special municipal election. The City Clerk shall certify the results of the canvass of the returns of the special municipal election to the Council of The City of San Diego which shall then declare the results of the election.

Section 15. For purposes of this election the entire City of San Diego shall be considered a single precinct.

Section 16. 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 17. For the purposes of this ordinance and the special municipal election to be conducted by mail pursuant thereto, the Registrar of Voters is authorized to do anything required of the City Clerk upon the request of the City Clerk or the City Council.

Section 18. 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 19. Pursuant to Section 17 of the Charter of The City of San Diego, this ordinance relating to elections

shall take effect on February 17, 1981, being the day of its introduction and passage.

Section 20. Pursuant to Section 8 of the Charter of The City of San Diego, this ordinance shall be considered an election code ordinance providing an adequate and complete procedure to govern the conduct of this special municipal election by mail ballot.

APPROVED: JOHN W. WITT, City Attorney

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

SHS:rc:930.44
~~2/9/81~~ REVISED 2/17/81
Or. Dept.: Mayor

FEB 17 1981

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

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 June C. Blacknell, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on
FEB 17 1981, 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 June C. Blacknell, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-15452 Adopted FEB 17 1981