

ORDINANCE NUMBER O- 15558 (New Series)

Adopted on JUL 27 1981

AN ORDINANCE OF THE CITY OF SAN DIEGO, CALIFORNIA, ORDERING, CALLING, PROVIDING FOR AND GIVING NOTICE OF A SPECIAL ELECTION TO BE HELD IN THE CITY ON NOVEMBER 3, 1981, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO ONE PROPOSITION RELATING TO AN INITIATIVE MEASURE AMENDING SECTIONS 10, 12 AND 23 OF THE CHARTER OF THE CITY OF SAN DIEGO, ONE PROPOSITION ADOPTING AN ORDINANCE AMENDING PEOPLE'S ORDINANCE NO. 7691 AND CHAPTER VI, ARTICLE 6 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 66.0123 RELATING TO THE COLLECTION AND DISPOSAL OF CITY REFUSE, AND ONE PROPOSITION RATIFYING AN ORDINANCE AUTHORIZING THE REMOVAL FROM CEMETERY DEDICATION OF APPROXIMATELY 16 ACRES OF THAT PART OF MOUNT HOPE CEMETERY WHICH IS UNDEVELOPED AND IS NOT NEEDED FOR CEMETERY PURPOSES AND IS SOUTH OF MARKET STREET, AND CONSOLIDATING SAID SPECIAL MUNICIPAL ELECTION WITH THE GENERAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON NOVEMBER 3, 1981.

WHEREAS, the City Council will call a general municipal election in the City, in the San Diego Unified School District and in the San Diego Community College District, to be held on November 3, 1981; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, 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 3, 1981 and pursuant to the provisions of Sections 16, 17, 55 and 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 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 _____

Amend Section 10 of Article II and Sections 12 and 23 of Article III of the Charter of The City of San Diego to read as follows:

Section 10. ELECTIONS

Elective officers of the City shall be nominated and elected by all of the electors of the City except that City Council members other than the Mayor shall be nominated and elected by the electors of the district for which elective office they are a candidate.

The regular municipal primary election shall be held on the third Tuesday in September in each odd-numbered year, and the general municipal election shall be held on the first Tuesday after the first Monday in November of the same year, or, if either of these days falls on a legal holiday, then the election shall be held on the next succeeding day which is not a legal holiday; provided, however, that commencing with the year 1984 the elections to the offices of Mayor and City Attorney shall be held every four (4) years. The municipal primary election for these offices shall be held on the same date in each election year as the California State primary election, and the general municipal election for these offices shall be held on the same day as the California State general election for that year. All other municipal elections which may be held under this Charter shall be known as special municipal elections.

All elective officers of the City shall be nominated at the municipal primary election. In the event one candidate receives the majority of votes cast for all candidates for nomination to a particular elective office, the candidate so receiving such

majority of votes shall be deemed to be and declared by the Council to be elected to such office. In the event no candidate receives a majority of votes cast as aforesaid, the two candidates receiving the highest number of votes for a particular elective office at said primary shall be the candidates, and only candidates, for such office and the names of only those two candidates shall be printed upon the ballots to be used at the general municipal election.

At the general municipal election held for the purpose of electing Council members other than the Mayor the electors of each Council district shall select from among the candidates chosen at the primary election in that district one candidate for the office of the Council member whose term expires the succeeding December. At the general municipal election held for the purpose of electing any other elective officer there shall be chosen by all of the electors of the whole City from among the candidates chosen at the primary one candidate to succeed any other elective officer whose term expires in December succeeding the election.

After the result of an election for any office is declared, or when an appointment is made, the City Clerk, under his hand and official seal, shall issue a certificate therefor, and shall deliver the same immediately to the person elected or appointed, and such person must within ten days after receiving such certificate file his official bond, if one be required for his office, and take and subscribe to the oath of office required of him by this Charter, which oath must be filed with the City Clerk.

Section 12. THE COUNCIL.

The Council shall be composed of nine (9) Council members,

including the Mayor, and shall be the legislative body of the City, each of the members of which, including the Mayor, shall have the right to vote upon all questions before it.

At the municipal primary and general election in 1979, a Mayor shall be chosen by the electors for a term of five (5) years. A Mayor shall thereafter be elected for a term of four (4) years in the manner prescribed by Section 10 of this Charter. The Mayor shall hold office for the term prescribed from and after 10 a.m. the first Monday after the first day of December next succeeding his election and until his successor is elected and qualified.

Council members, other than the Mayor, shall be elected at either the municipal primary or the general municipal election held in the odd-numbered years and, except as hereinafter provided, shall hold office for the term of four (4) years from and after 10 a.m. the first Monday after the first day of December next succeeding their election and until their successors are elected and qualified. Upon any redistricting pursuant to the provisions of this Charter, incumbent Council members will continue to represent the district in which they reside, unless as a result of such redistricting more than one incumbent Council member resides within any one district, in which case the City Council may determine by lot which Council member shall represent each district. At the next municipal primary and general elections following a redistricting, Council members shall be elected from those districts not represented and from those districts represented by incumbent Council members whose terms expire as of the general election in said year. If as a result of any redistricting more than a simple majority of the City Council as

redistricted shall be elected at either the municipal primary or general elections next following any such redistricting, the City Council prior to any such election shall designate one or more new districts for which the initial councilmanic term shall be two (2) years in order to retain staggered terms for Council members.

Any vacancy occurring in the Council shall be filled from the District in which the vacancy occurs by appointment by the remaining Council members; but in the event that said remaining Council members fail to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, they must immediately cause an election to be held to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

It is the duty of Council members to attend all Council meetings. The Council shall vacate the seat of any Council member who is absent from eight (8) consecutive meetings or fifty percent (50%) of any scheduled meetings within a month unless the absence thereof is excused by resolution of the Council.

Council members, including the Mayor, shall devote full time to the duties of their office and not engage in any outside employment, trade, business or profession which interferes or conflicts with those duties.

No Council member shall be eligible during the term for which he was appointed or elected to hold any other office or employment with the City, except as Mayor or City Attorney and as member of any Board, Commission or Committee thereof, of which he is

constituted such a member by general law or by this Charter.

Section 23. INITIATIVE, REFERENDUM AND RECALL.

The right to recall municipal officers and the powers of the initiative and referendum are hereby reserved to the people of the City. Ordinances may be initiated; and referendum may be exercised on any ordinance passed by the Council except an ordinance which by the provisions of this Charter takes effect immediately upon its passage; and any elective officer may be recalled from office. The Council shall include in the election code ordinance required to be adopted by Section 8, Article II, of this Charter, an expeditious and complete procedure for the exercise by the people of the initiative, referendum and recall, including forms of petitions; provided that the number of signatures necessary on petitions for the initiation of an ordinance for the consideration of the Council shall be three percent of the registered voters of the City at the last general City election; that for the direct submission of a measure to the people it shall require a petition signed by ten percent of the registered voters of the City at the last general City election; that for a referendum upon an ordinance passed by the Council it shall require a petition signed by five percent of the registered voters of the City at the last general election; that for the recall of an elected officer who is elected by all of the electors of the City, it shall require a petition signed by fifteen percent of the registered voters of the City at the last general City election; and that for the recall of a Council member other than the Mayor it shall require a petition signed by fifteen percent of the registered voters of the Councilmanic District at the last general City election.

PROPOSITION _____

Adoption of Ordinance No. _____ (New Series) amending People's Ordinance No. 7691 and Chapter VI, Article 6 of the San Diego Municipal Code by amending Section 66.0123 relating to the collection and disposal of City refuse, as follows:

ORDINANCE NUMBER O- _____ (New Series)

AN ORDINANCE AMENDING PEOPLE'S ORDINANCE NO. 7691 AND CHAPTER VI, ARTICLE 6 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 66.0123 RELATING TO THE COLLECTION AND DISPOSAL OF CITY REFUSE.

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

Section 1. That People's Ordinance No. 7691 and Chapter VI, Article 6, Section 66.0123 of the San Diego Municipal Code be and the same are hereby amended to add a Section 14 to read as follows:

SEC. 66.0123 GARBAGE AND REFUSE COLLECTION

Section 14. Notwithstanding any of the provisions of this People's Ordinance to the contrary, the City Council may by ordinance, establish rules and regulations for the collection, transportation and disposal of City refuse in the City of San Diego in order to protect the health and safety of the residents of the City and to ensure the provision of efficient and effective waste management services. Such rules and regulations shall not include any fees for the collection, transportation or disposal of residential waste generated within the City of San Diego. The City Council may, by ordinance, establish fees for the disposal of commercial wastes and industrial wastes generated in the City. Said fees shall be limited to the total disposal cost of such

wastes to be determined by multiplying the total cost of disposing of all refuse, regardless of point of origin or method of disposal, by the percentage that said commercial waste and industrial waste bears to the total waste disposed, regardless of source. Said fees, if established, shall be in lieu of a portion of the tax required by Section 1.

Such rules and regulations shall include limitations on the quantities of commercial wastes and industrial wastes collected, with the City in no event collecting from any single commercial or industrial enterprise waste in an amount greater than one hundred fifty percent (150%) of the waste generated by an average City residential dwelling unit. Such rules and regulations may authorize the City Manager to designate waste service areas within the City and direct wastes collected in those areas to designated waste disposal facilities. The collection, transportation and disposal of City refuse by commercial operators is a lawful business enterprise subject to the rules and regulations adopted by the City Council pursuant to this section.

For the purposes of this Section, the following definitions shall apply:

(a) "Commercial wastes" include all types of solid and semi-solid waste materials generated by stores, offices, hotels, motels and other commercial activities required under the provisions of the Municipal Code to pay a license tax, with the exception of all nontransient residential dwellings.

(b) "Industrial wastes" include all types of solid and semi-solid waste materials which result from industrial processes and manufacturing operations, excluding hazardous wastes.

(c) "Residential wastes" include all types of solid and semi-solid waste materials generated by single family or multi-family dwelling units.

Section 2. This ordinance shall take effect and be in force on the day of its passage.

APPROVED: John W. Witt, City Attorney

By _____
Stuart H. Swett
Chief Deputy City Attorney

SHS:rc:210
~~6/25/81~~ REVISED 7/20/81

PROPOSITION _____

Ratification of Ordinance No. _____ (New Series) authorizing the removal from cemetery dedication of approximately sixteen (16) acres of that part of Mount Hope Cemetery which is undeveloped and is not needed for cemetery purposes and is south of Market Street, so that said property may be utilized through lease or sale for purposes which are consistent with the Community Plan for said area, as follows:

(0-82-15A REV.)

ORDINANCE NUMBER O- _____

Adopted on _____

AN ORDINANCE AUTHORIZING THE REMOVAL FROM CEMETERY DEDICATION OF APPROXIMATELY SIXTEEN (16) ACRES OF THAT PART OF MOUNT HOPE CEMETERY WHICH IS UNDEVELOPED AND IS NOT NEEDED FOR CEMETERY PURPOSES AND IS SOUTH OF MARKET STREET, SO THAT SAID PROPERTY MAY BE UTILIZED THROUGH LEASE OR SALE FOR PURPOSES WHICH ARE CONSISTENT WITH THE COMMUNITY PLAN FOR SAID AREA.

WHEREAS, pursuant to ordinances enacted by the City Council, Charter provisions of The City of San Diego, and enactments of the Legislature of the State of California, certain real property within the city limits of The City of San Diego has been dedicated and is presently held for cemetery purposes and designated as Mount Hope Cemetery; and

WHEREAS, some sixteen (16) acres of such lands so dedicated and presently held for cemetery purposes included within Mount Hope Cemetery, and lying south of Market Street, are not presently being used for cemetery purposes; and

WHEREAS, said sixteen (16) acres are now lying fallow and it is in the best interest of the people of The City of San Diego that said sixteen (16) acres shall be put to an economic and beneficial use; and

WHEREAS, said sixteen (16) acres are not needed for cemetery purposes;
NOW, THEREFORE,

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

Section 1. The City Manager of The City of San Diego be, and he is hereby authorized and empowered to lease or sell all or portions of that certain undeveloped real property lying south of Market Street, and comprising approximately sixteen (16) acres, included within the real property presently dedicated and held for cemetery purposes, and known as Mount Hope Cemetery, said sixteen (16) acres more or less being more particularly described as follows:

All that portion of Mt. Hope Cemetery as established by Ordinance No. 9 of the President and Trustees of the City of San Diego adopted October 29, 1869, more particularly described as follows:

Beginning at the Southeast corner of Block 72, San Diego Homestead Union according to map thereof No. 363 filed in the office of the County Recorder of San Diego County; thence along the Easterly extension of the Southerly line of said Block 72, 220.00 feet more or less to a point on the Easterly line of a nondedicated street known as Whaley Road as shown on drawing of Mt. Hope Cemetery No. D-321 on file in the office of Mt. Hope

Cemetery and in the office of the City Clerk as Document No. _____; thence Southeasterly along the Easterly line of said Whaley Road to a point of intersection with a line that is parallel to and Easterly 320.00 feet measured at right angles to the Southerly extension of the Easterly line of said Block 72; thence Northerly along said parallel line, 205.00 feet more or less to a point on the Southeasterly line of a nondedicated street known as Brannan Drive and shown on said drawing No. D-321; thence Easterly at right angles to the last described line, 175.00 feet more or less to a point on the Westerly line of a nondedicated street known as Vista Drive and shown on said drawing No. D-321; thence Northeasterly and Northerly along the Westerly and Northwesterly line of said Vista Drive and the Westerly line of a nondedicated street known as Lincoln Drive as shown on said drawing No. D-321 to a point on the Southerly line of a nondedicated street known as West Pauley Drive and shown on said drawing No. D-321; thence Westerly along said Southerly line of Pauley Drive to a point on the Easterly line of said nondedicated Brannan Drive as shown on said map No. D-321; thence Northerly and Northeasterly along said Easterly line of Brannan Drive to a point of intersection with a line that is parallel to and 685.00 feet measured at right angles Easterly of the Easterly line of 36th Street as said street is located and established on the date of this instrument; thence Northerly along said parallel line, 210.00 feet more or less to a point on the Southerly line of Market Street, as said Street is located and established on the date of this instrument; thence Westerly along said Southerly line of Market Street 685.00 feet to a point on the Easterly line of said 36th Street; thence Southerly along the Easterly line of said 36th Street and the Easterly line of said Block 72, 1225 feet more or less returning to the Point of Beginning; said portion constituting 16 acres more or less.

Section 2. Any lease or sale of said real property or portions thereof shall be for purposes which are consistent with the Community Plan for said area, as said Plan may be amended from time to time.

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 Sections 16 and 17 of the Charter.

Section 4. This ordinance shall become effective only after it is affirmatively approved by a two-thirds vote of the

qualified electors of the City of San Diego voting at a General Municipal Election to be held in said City on the 3rd day of November, 1981, at which a proposition to ratify this ordinance shall be submitted.

APPROVED: John W. Witt, City Attorney

By _____
Harold O. Valderhaug, Deputy

HOV:ps:930.46 (x702.1)
7/23/81
Or.Dept: Property

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 a.m. (local time) on November 3, 1981, and remain open continuously until 8 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 general municipal election, and since the City Clerk of The City 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 propositions shall be as provided in the Elections Code of the State of California; and, on the ballots to be used at this special municipal election, in addition to any other matters required by law, there shall be printed substantially the following:

<p>PROPOSITION ____ . CITY OF SAN DIEGO CHARTER AMENDMENTS. AMENDS SECTIONS 10, 12, and 23 OF THE CHARTER OF THE CITY OF SAN DIEGO.</p>	<p>YES</p>	
<p>Establishes that Council members shall be nominated and elected by district rather than nominated by district and elected citywide.</p>	<p>NO</p>	

<p>PROPOSITION ____ . AMENDS PEOPLE'S ORDINANCE NO. 7691.</p> <p>Shall People's Ordinance No. 7691 relating to City refuse as adopted in 1919 be amended to authorize the City Council to adopt rules and regulations to specifically provide that: no fees shall be charged for the collection, transportation or disposal of residential waste generated within the City of San Diego; cost recovery fees may be charged for the disposal of commercial wastes and industrial wastes generated in the City; City collection of waste from any single commercial or industrial enterprise shall not exceed one hundred fifty percent (150%) of the waste generated by an average City residential dwelling unit; the City Manager is authorized to designate waste service areas within the City and direct waste collected in those areas to designated waste disposal facilities?</p>	<p>YES</p>	
	<p>NO</p>	

<p>PROPOSITION ____ . RATIFICATION OF ORDINANCE NO. ____ (New Series).</p> <p>Shall Ordinance No. O- ____ (New Series) entitled, "AN ORDINANCE AUTHORIZING THE REMOVAL FROM CEMETERY DEDICATION OF APPROXIMATELY SIXTEEN (16) ACRES OF THAT PART OF MOUNT HOPE CEMETERY WHICH IS UNDEVELOPED AND IS NOT NEEDED FOR CEMETERY PURPOSES AND IS SOUTH OF MARKET STREET, SO THAT SAID PROPERTY MAY BE UTILIZED THROUGH LEASE OR SALE FOR PURPOSES WHICH ARE CONSISTENT WITH THE COMMUNITY PLAN FOR SAID AREA," adopted by the Council of The City of San Diego be ratified?</p>	<p>YES</p>	
	<p>NO</p>	

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 3, 1981 in the City of San Diego is hereby ordered consolidated with the general municipal 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 general municipal election.

Section 7. The City Clerk of The City 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 City Clerk 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. Pursuant to Section 17 of the Charter, this ordinance relating to elections shall take effect on JUL 27 1981, being the day of its introduction and passage.

APPROVED: John W. Witt, City Attorney

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

SHS:rc:930.46

7/21/81 REV. 7/27/81

Or.Dept: Clerk

O-82-16A

JUL 27 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input 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 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
JUL 27 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 Barbara Berridge, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-15558 Adopted JUL 27 1981