

(R-85-2454)

RESOLUTION NUMBER R- 263421

ADOPTED ON JUN 17 1985

WHEREAS, on November 7, 1978, the City Council placed a ballot measure before the voters, known as Proposition "J", which contained a budget spending limitation formula; and

WHEREAS, said measure was voted upon and approved on that day by a majority of voters casting their ballots in favor thereof; and

WHEREAS, the measure became effective on January 12, 1979 and was incorporated in the San Diego City Charter as part of section 71; and

WHEREAS, the people of the State of California voted upon and approved a budget spending limitation, known as the "Gann Initiative," on November 6, 1979; and

WHEREAS, said statewide spending limitation was incorporated into the California Constitution as Article XIII B and became effective on November 6, 1979; and

WHEREAS, it has been legally opined that the later enactment and statewide election result of the "Gann Initiative" superseded the provisions of Proposition J and rendered those [Charter section 71] budgetary spending limitations inapplicable; and

WHEREAS, the Council of The City of San Diego chose to voluntarily impose upon itself and the City the formulae and constraints contained in Proposition J despite its supersession by the statewide vote on the "Gann Initiative;" and

WHEREAS, after due consideration of the legal nonapplicability of the formulae and budget spending constraints contained in section 71, it has been determined that such voluntary adherence to the restrictions imposed therein is not in the best interest of the people of The City of San Diego; and

WHEREAS, the Council now deems it appropriate to reconcile, establish and adopt a budget spending limitation policy in a manner legally consistent and in accordance with the Constitution of the State of California; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council, for and on behalf of said City, does hereby direct the discontinuance of the voluntary adherence to the budget spending limitation formulae contained in section 71 of the Charter [Proposition J] and declares the budget spending limitation provisions of Article XIII B of the California Constitution [Gann Initiative] to be applicable to The City of San Diego.

APPROVED: JOHN W. WITT, City Attorney

By Jack Katz  
Jack Katz, Chief Deputy

JK:smm  
6/13/85  
Or.Dept:Mayor  
R-85-2454  
Form=r.none

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Passed and adopted by the Council of The City of San Diego on JUN 17 1985,  
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"/>
Gloria McColl	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input checked="" 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"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK  
Mayor of The City of San Diego, California.

(Seal)

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

By Barbara Baxter, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-263421 Adopted JUN 17 1985

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SAN DIEGO, CALIF.

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