

(0-86-140)

ORDINANCE NUMBER O- 16599 (New Series)

ADOPTED ON FEB 18 1986

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 JUNE 3, 1986, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO ONE PROPOSITION RELATING TO AN INITIATIVE MEASURE AMENDING THE CHARTER OF THE CITY OF SAN DIEGO BY ADDING CHARTER SECTION 130.1, ONE PROPOSITION RELATING TO AMENDING THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING CHARTER SECTION 11.1 AND ADDING CHARTER SECTION 11.2 AND CONSOLIDATING SAID SPECIAL MUNICIPAL ELECTION WITH THE STATE PRIMARY ELECTION TO BE HELD IN SAID CITY ON JUNE 3, 1986.

WHEREAS, the City Clerk has certified to the City Council that an initiative petition to amend the Charter of the City of San Diego by adding Charter section 130.1 has a sufficient number of signatures to qualify the initiative for the ballot pursuant to the provisions of Section 223 of the Charter of the City of San Diego, 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; and

WHEREAS, the Council desires to submit the aforementioned initiative and one proposition amending San Diego City Charter section 11.1 and adding Charter section 11.2 to the qualified voters of the City of San Diego at a Special Municipal Election to be held in the City on June 3, 1986; and

WHEREAS, at a meeting held on FEB 18 1986, the City Council of The City of San Diego, California, adopted Resolution No. R- 265085 requesting the Board of Supervisors of the County of San Diego to order the consolidation of the Special Municipal Election to be held on June 3, 1986, with the Statewide Primary Election to be held on the same date; 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 June 3, 1986, and pursuant to the provisions of Section 223 of the Charter of The City of San Diego, 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 submits to the qualified voters of the City at such Special Municipal Election the following propositions:

PROPOSITION _____.

Amends Section 11.1 and adds Section 11.2 of Article III of the Charter of The City of San Diego to read as follows:

SECTION 11.1 LEGISLATIVE POWER -- NONDELEGABLE.

The same prohibition against delegation of the legislative power which is imposed on the State Legislature by Article XI, Section 11a of the Constitution of the State of California shall apply to the City Council of The City of San Diego, so that its members shall not delegate legislative power or responsibility which they were elected to exercise in the adoption of any ordinance or resolution which raises or spends public monies, including but not limited to the City's annual budget ordinance or any part thereof, and the annual ordinance setting compensation for City employees, or any ordinance or resolution setting public policy.

The City Council shall annually adopt an ordinance establishing salaries for all City employees. The City Council shall adopt this ordinance no later than May 30 of each year after considering all relevant evidence including but not limited to the needs of the citizens of the City of San Diego for municipal services, the ability of the citizens to pay for those services, local economic conditions and other relevant factors as the Council deems appropriate. The City Council shall give priority in the funding of municipal services to the need of the citizens for police protection in considering adoption of this salary ordinance and the annual budget ordinance.

The prohibition imposed by this section against unlawful delegation of the legislative responsibility to set compensation for city employees shall extend to any scheme or formula which seeks to fix the compensation of City of San Diego employees at the level of compensation paid to employees of any other public agency whose governing board is not elected by and not accountable to the people of the City of San Diego. This prohibition shall also extend to any scheme or formula which seeks to fix, establish, or adjust the compensation of City of San Diego employees at the level of the largest cities in California or the State of California.

SEC. 11.2 LEGISLATIVE POWER -
MEMORANDUM OF UNDERSTANDING.

Notwithstanding any provisions of this Charter to the contrary, nothing in this Charter shall be construed to preclude the Council from entering into a multiple year memorandum of understanding with any recognized City employee organization concerning wages, hours and other terms and conditions of employment if, in the prudent exercise of legislative discretion as provided in this Charter, the Council determines it is in the best interests of the City to do so; and further provided that said exercise of legislative discretion is expressed affirmatively by a two-thirds vote of the entire Council.

PROPOSITION _____

Initiative measure to add Section 130.1 to Article VIII of the Charter of The City of San Diego to read as follows:

CHARTER SECTION 130.1 ESTABLISHING SALARIES FOR
POLICE OFFICER CLASSIFICATIONS IN FISCAL YEAR 1986-1987

The Council shall establish, for fiscal year 1986-1987, a base salary for the classification of Police Officer II, which is not less than the average base salary for comparable police officer positions in the California Highway Patrol and the police departments of the four (4) largest cities by

population in the State of California. In determining the average salaries, no California city will be considered if that city is required to use an averaging formula for determining police officer salaries. All other classifications in the police unit shall receive a percentage base salary increase equal to that for Police Officer II as determined in the above manner.

The establishment of salaries for police classifications using the above formula for fiscal year 1986-1987 shall not require an increase in the annual tax levy.

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 June 3, 1986, 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 14301 of the Elections Code of the State of California.

Section 4. Since this election is being consolidated with the statewide primary 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 the 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 AMENDMENT AMENDING SECTION 11.1 OF THE CHARTER OF THE CITY OF SAN DIEGO AND ADDING SECTION 11.2.</p> <p>SECTION 11.1 LEGISLATIVE POWER -- NONDELEGABLE.</p> <p>Imposes upon City Council same prohibition against delegating legislative power or responsibility as State Constitution imposes on the State Legislature regarding raising and spending public monies.</p> <p>Establishes guidelines for Council consideration in setting employee compensation.</p> <p>Requires City Council to give priority to police protection in setting compensation of City employees.</p> <p>Extends the prohibition against unlawful delegation to any scheme or formula which seeks to fix, establish or adjust the compensation of City of San Diego employees at the level of the largest cities in California or the State of California.</p>	<p>Y E S</p>	
<p>SECTION 11.2 LEGISLATIVE POWER - MEMORANDUM OF UNDERSTANDING</p> <p>Notwithstanding any provisions of this Charter to the contrary, nothing in this Charter shall be construed to preclude the council from entering into a multiple year memorandum of understanding with any recognized City employee organization concerning wages, hours and other terms and conditions of employment if, in the prudent exercise of legislative discretion as provided in this Charter, the Council determines it is in the best interests of the City to do so; and further provided that said exercise of legislative discretion is expressed affirmatively by a two-thirds vote of the entire Council.</p>	<p>N O</p>	

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<p>PROPOSITION _____ INITIATIVE MEASURE. AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY ADDING SECTION 130.1.</p> <p>The Council shall establish, for fiscal year 1986-1987, a base salary for the classification of Police Officer II, which is not less than the average base salary for comparable police officer positions in the California Highway Patrol and the police departments of the four (4) largest cities by population in the State of California. In determining the average salaries, no California city will be considered if that city is required to use an averaging formula for determining police officer salaries. All other classifications in the police unit shall receive a percentage base salary increase equal to that for Police Officer II as determined in the above manner.</p> <p>The establishment of salaries for police classifications using the above formula for fiscal year 1986-1987 shall not require an increase in the annual tax levy.</p>	<p>Y E S</p>	
	<p>N O</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 propositions. 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 propositions.

Section 6. The Special Municipal Election called for June 3, 1986 in the City of San Diego is hereby ordered consolidated with the Statewide Primary 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 Primary Election.

Section 7. The Registrar of Voters 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 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 FEB 18 1986, being the day of its introduction and passage.

APPROVED: John W. Witt, City Attorney

By Ted Bromfield
Ted Bromfield
Chief Deputy City Attorney

TB:js:930.58
02/13/86
Or.Dept:Clerk
O-86-140d
Form:o.cals

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O-16599

FEB 18 1986

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

Councilmen	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<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"/>
Judy McCarty	<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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Vacant

AUTHENTICATED BY:

ED STRUKSMA
Deputy 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.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on
FEB 18 1986, 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.~~

(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	
Ordinance Number 0-16599	Adopted FEB 18 1986