(R-89-1087)

RESOLUTION NUMBER R- 272437Adopted on NOV 281988

RESOLUTION DECLARING THE RESULTS OF THE SPECIAL MUNICIPAL ELECTION HELD IN THE CITY OF SAN DIEGO ON NOVEMBER 8, 1988.

WHEREAS, a special municipal election was held in the City of San Diego on Tuesday, November 8, 1988, pursuant to the provisions of Ordinance No. 0-17127 (New Series), adopted August 9, 1988, which Special Municipal Election was called for the purpose of submitting to the qualified voters of The City of San Diego (7) propositions, one proposition relating to an initiative measure to amend the Charter of The City of San Diego by amending Sections 10, 12, and 23; one proposition to amend the Charter of The City of San Diego by adding Section 57.1 to Article V; one proposition to amend the Charter of The City of San Diego by amending Section 43 of Article V; one proposition to amend The City of San Diego Progress Guide and General Plan by adding a Growth Management Element; one proposition relating to an initiative measure amending the San Diego General Plan; one proposition relating to an advisory vote on whether The City of San Diego should begin a mandatory staggered-work hours program; one proposition to amend People's Ordinance No. 10960 relating to limiting the height of buildings in the coastal zone as follows:

PROPOSITION E

PROPOSITION E. CITY OF SAN DIEGO CHARTER AMENDMENTS. INITIATIVE MEASURE. AMENDS SECTIONS 10, 12 AND 23 OF THE CHARTER OF THE CITY OF SAN DIEGO.	Y E S	
Establishes that Council members shall be nominated, elected and recalled by district rather than nominated by district and elected citywide.	n o	

PROPOSITION F. AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY ADDING SECTION 57.1.

SECTION 57.1 POLICE REVIEW COMMISSION

A Police Review Commission is hereby established consisting of nine (9) members appointed by the Mayor and confirmed by the City Council. The Mayor shall designate the presiding officer of the Commission. Members of the Commission shall serve without compensation for terms of four (4) years and shall not have been formerly employed in the Police Department or be employed by or hold any other office in the City; provided, however, that the initial term of two members shall be for three (3) years, another two for two (2) years, and another two for one (1) year so that no more than 3 terms shall expire in any one year. with the approval of the City Council, shall fill any vacancy occurring for any reason. The City Council may remove a member of the Commission for cause by vote of two-thirds (2/3) of the members of the Council. Commission shall establish such rules and regulations as may be necessary to carry out the purposes for which the Commission is created.

The purpose of the Commission is to investigate, conduct hearings, and make findings concerning allegations of Police misconduct in a prompt, fair and impartial manner. allegation submitted for the consideration of the Commission shall be in writing and the truth thereof shall be attested to under penalty of perjury. Any such investigation or hearing shall be closed to the public and findings of the Commission shall be confidential and not available to the public except as otherwise provided by law. The Commission shall have the power to subpoena and require the attendance of witnesses and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses. A determination shall be made by the Commission as to whether an allegation of Police misconduct was sustained or not sustained and such determination shall be forwarded to the Chief of Police and the City Manager. The Commission shall appoint an executive director and such investigators and other personnel as may be provided by the City Council. The executive director and Commission personnel shall be in the unclassified service notwithstanding any provisions in Section 117 to the Subject always to the requirement of contrary. confidentiality of its investigations, hearings and findings, the Commission shall periodically, but at least once a year, make a general report and hold a public hearing thereon to inform the public concerning its activities.

YES

NO

PROPOSITION G. AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING SECTION 43.		
SECTION 43 ADVISORY BOARDS AND COMMITTEES No changes in subsection (a), (b) and (c).		
(d) CITIZENS' REVIEW BOARD ON POLICE PRACTICES. Notwithstanding any other provision of this Charter, the City Manager shall have the exclusive authority to create and establish a citizens' review board on police practices to review and evaluate citizens' complaints against members of the San Diego Police Department and the San Diego Police Department and the San Diego Police Department's administration of discipline arising from such complaints. The City Manager shall establish such rules and regulations as may be necessary for this board to carry out its functions; provided,	YES	
however, that such rules and regulations shall be consistent with the laws of the State of California concerning citizens' complaints against peace officers. Nothing in such rules and regulations shall interfere with the board's authority to independently refer a completed citizen complaint investigation to the grand jury, district attorney, or any other governmental agency authorized by law to investigate the activities of a law enforcement agency. The board shall submit semiannual reports to the City Manager and City Council concerning its evaluation of the San Diego Police Department's investigation of citizens' complaints; provided, however, that such reports shall not disclose any information required to be kept confidential by law.	N O	

PROPOSITION H

PROPOSITION H. AMENDS THE CITY OF SAN DIEGO PROGRESS GUIDE AND GENERAL PLAN BY ADDING A GROWTH MANAGEMENT ELEMENT.		
Shall the City adopt a Growth Management Element which: a. Establishes a maximum limit for the next five years of 3,600 new residential units per year, and	Y E S	
3,990 previously approved residential units per year;	IES	
b. Protects single-family neighborhoods by restricting new development;		
c. Preserves environmentally sensitive lands, including wetlands, floodplains, steep slopes, biologically sensitive lands and significant prehistoric and historic sites;		
d. Requires that traffic generated by new development stay within roadway capacity;		
e. Strengthens community plans by requiring periodic comprehensive updates and limiting amendments between updates;		
f. Requires there be adequate public facilities and services at the time of development; and	n o	
g. Establishes regional goals for air quality, water, sewage treatment, solid waste disposal and transportation?		

PROPOSITION J

PROPOSITION J. INITIATIVE MEASURE. AMENDS THE SAN DIEGO GENERAL PLAN.	
Until standards as designated in the initiative are met, shall the City:	
a. Limit residential dwelling units as follows:	YES
FY 1988-89: 7,000 to 9,000 dwelling units	
FY 1989-90: 6,000 to 8,000 dwelling units	
FY 1990-91: 5,000 to 7,000 dwelling units	
FY 1991-92 and each subsequent fiscal year through the	
FY 2009-2010: 4,000 to 6,000 dwelling units;	
b. Develop and implement a plan for industrial and commercial development consistent with the criteria in the initiative;	
c. Develop and implement an allocation system for residential development as provided in the initiative;	N O
d. Preserve sensitive environmental lands as provided in the initiative;	
e. Adopt a plan for the ultimate development of the City's sphere of influence as provided in the initiative?	

PROPOSITION K

PROPOSITION K. (ADVISORY VOTE ONLY)		
Should the City of San Diego begin a mandatory staggered-work hours program, requiring all businesses with twenty-five	YES	
(25) or more workers to offer employees variable work schedules in order to reduce peak-hour traffic on City roads and freeways?	и о	

PROPOSITION L

PROPOSITION L. AMENDS PEOPLE'S ORDINANCE NO. 10960 (LIMITING THE HEIGHT OF BUILDINGS IN THE COASTAL ZONE). Shall an exception to the thirty (30) foot height limit for buildings in the Coastal Zone be permitted to allow the restoration of the chimney and rooftop cupola as part of the historic restoration of the 1915 Agar/Mission Brewery building located at Washington and Hancock Streets in San Diego, California?	YES	

; and

WHEREAS, a copy of the certificate of the Registrar of Voters of San Diego County canvassing the returns of the special municipal election, as certified to the City Clerk, has been duly received; and

WHEREAS, a canvass of these elections has been completed and the City Clerk has certified the results to the City Council; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the Council finds and determines pursuant to the provisions of Section 27.2206 of the San Diego Municipal Code, as follows:

I

The whole number of votes cast in the City was 413,722.

II

The number of votes cast in the City for and against each of the seven (7) propositions which appeared on the ballot as Propositions E, F, G, H, J, K and L and the total number of votes cast upon each such propositions is as follows:

R-272437

PROPOSITION E

For	176,889
Against	168,795
ጥር ጥል ፓ.	345.684

Proposition E received the affirmative vote of a majority of the qualified voters voting on such proposition and is hereby declared to have been approved.

PROPOSITION F

For	181,195
Against	157,068
TOTAL	338,263

Proposition F received the affirmative vote of a majority of the qualified voters voting on such proposition.

PROPOSITION G

For	182,075
Against	161,946
ጥ ርጥል ፣ .	344.021

Proposition G received the affirmative vote of a majority of the qualified voters voting on such proposition. Inasmuch as Propositions F and G are conflicting propositions dealing with the same subject matter in conflicting terms, Proposition G prevails to the exclusion of Proposition F because it received the highest affirmative vote. Cal. Const., art. 2, sec. 10(b); Cal. Elections Code section 4016 and San Diego Municipal Code section 27.2527.

PROPOSITION H

For 159,123

R-272437

Against 198,436

TOTAL 357,559

Proposition H did not receive the affirmative vote of a majority of the qualified voters voting on such proposition and is hereby declared to have failed.

PROPOSITION J

For	147,672
Against	210,032
ΤΟΤΑΙ ,	357.704

Proposition J did not receive the affirmative vote of a majority of the qualified voters voting on such proposition and is hereby declared to have failed.

PROPOSITION K (Advisory Vote Only)

For	221,944
Against	127,212
TOTAL	349,156

Proposition K received the affirmative vote of a majority of the qualified voters voting on such proposition and is hereby declared to have been approved. This result, however, is not controlling.

PROPOSITION L

For	260,015
Against	90,888
TOTAL	350,903

Proposition L received the affirmative vote of a majority of the qualified voters voting on such proposition and is hereby declared to have been approved.

-PAGE 9 OF 10-

CORRECTED 11/28/88 **272437**

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CITY CLERKS DEFICE
SAN DIEGO, CA

The number of votes in each precinct cast for and against each measure is recorded in the Election Returns Book, which book is a part of the records of this Council.

IV

The City Clerk shall make public the results of the canvass of the special municipal election by publication of a copy of this resolution.

APPROVED: John W. Witt, City Attorney

Bv

Ted Bromfield
Chief Deputy City Atto

Chief Deputy City Attorney

TB:js 11/23/88 11/28/88 COR.COPY Or.Dept:Clerk R-89-1087 Form=r.decg

RECEIVED

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CITY CLERKS OFFICE
SAN DIEGO, CA

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Passed and adopted by the Council of The City of San Diego on NOV 28 1988 by the following vote:					
Council Members Abbe Wolfsheimer Ron Roberts Gloria McColl H. Wes Pratt Ed Struiksma J. Bruce Henderson Judy McCarty Bob Filner Mayor Maureen O'Connor	Yeas Yeas	Nays	Not Present	Ineligible	
AUTHENTICATED BY:			IAUREEN O'		
(Seal)	Ву		ARLES G. AI	n Diego, California.	
	Office	of the City	Clerk, San Diego	, California	
Resolution 272437 Number Adopted NOV 28 10					

CC-1276 (Rev. 12-87)

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CITY CLERKS OFFICE
SAN DIEGO, CA

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CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO 202 C STREET, 2ND FLOOR SAN DIEGO, CA 92101 ATTN: ELLEN BOVARD

NO.

IN THE MATTER OF

RESOLUTION DECLARING THE RESULTS OF THE SPECIAL MUNICIPAL ELECTION HELD IN THE CITY OF SAN DIEGO ON NOVEMBER 8, 1988.

RESOLUTION NUMBER R-272437

RESOLUTION DECLARING THE RESULTS OF THE SPECIAL MUNICIPAL ELECTION HELD IN THE CITY OF SAN DIEGO ON NOVEMBER 8, 1988.

WHEREAS, a special municipal election was held in the City of San Diego on Tuesday, November 8, 1988, pursuant to the provisions of Ordinance No. O-17127 (New Series), adopted August 9, 1988, which Special Municipal Election was called for the purpose of submitting to the qualified voters of The City of San Diego (7) propositions, one proposition relating to an initiative measure to amend the Charter of The City of San Diego by amending Sections 10, 12, and 23; one proposition to amend the Charter of The City of San Diego by amending Sections 30, 12, and 23; one proposition to amend the Charter of The City of San Diego by amending Section 43 of Article V; one proposition to amend the Gravita of Article V; one proposition to amend The Growth Management Element; one proposition relating to an advisory vote on whether The City of San Diego should begin a mandatory staggered-work hours program; one proposition to amend People's Ordinance No. 10960 relating to limiting the height of buildings in the coastal zone as follows: coastal zone as follows:

PROPOSITION E

PROPOSITION E. CITY OF SAN DIEGO CHARTER AMENDMENTS. INITIATIVE MEABURE. AMENDS SECTIONS 10, 12 AND 23 OF THE CHARTER OF THE CITY OF SAN DIEGO	YES	,
Establishes that Council members shall be nominated, elected and recalled by district rather than nominated by district and elected citywide	NO	

THOMAS D. KELLEHER

_, 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, 1909, Decree No. 14894; and the

RESOLUTION NUMBER R-272437

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:

DEC. 12

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

Dated at San Diego, California this 12

(Signature)

2.9" x 328.57 × 2 = \$657.14

c		
PROPOSITION F. AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY ADDING SECTION 87.1.		
SECTION 57.1 POLICE REVIEW COMMISSION A Police Review Commission is hereby establiahed consisting of nine (9) members appointed by the Mayor and confirmed by the City Council. The Mayor shall designate the presiding officer of the Commission. Members of the Commission shall serve without compensation for terms of four (4) years and shall not have been formerly employed in the Police Department or be employed by or hold any other office in the City; provided, however, that the initial term of two members shall be for three (3) years, another two for two (2) years, and another two for one (1) year so that no more than 3 terms shall expire in any year. The Mayor, with the approval of the City Council, shall fill any vacancy occurring for any reason. The City Council may remove a member of the Commission shall establish such rules and regulations as may be necessary to carry out the purposes for which the Commission is created. The purpose of the Commission is created.	YES	
concerning allegations of Police misconduct in a prompt, fair and impartial manner. Any allegation submitted for the consideration of the Commission shall be in writing and the truth thereof shall be attested to under penalty of perjury. Any such investigation or hearing shall be closed to the public and findings of the Commission shall be confidential and not available to the public except as otherwise provided by law. The Commission shall have the power to subpoena and require the attendance of witnesses and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses. A determination shall be made by the Commission as to whether an allegation of Police misconduct was sustained or not sustained and such determination shall be forwarded to the Chief of Police and the City Manager. The Commission shall appoint an executive director and such investigators and other personnel as may be provided by the City Council. The executive director and Commission personnel shall be in the unclassified service notwithstanding any provisions in Section 117 to the contrary. Subject always to the requirement of confidentiality of its investigations, hearings and findings, the Commission shall periodically, but at least once a year, make a general report and hold a public hearing thereon to inform the public concerning its activities.	NO	

PROPOSITION G

PROPOSITION G. AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING SECTION 43. SECTION 43. ADVISORY BOARDS AND COMMITTEES NO CHANGES IN SUBSECTIONS (a), (b) and (c). (d) CITIZEN'S REVIEW BOARD ON POLICE PRACTICES. Notwithstanding any other provision of this Charter, the City Manager shall have the exclusive authority to create and establish a citizens' review board on police practices to review and evaluate citizens' complaints against members of the San Diego Police Department and the San Diego Police Department's administration of discipline arising from such com-	YES	
plaints. The City Manager shall establish such rules and regulations as may be necessary for this board to carry out its functions; provided, however, that such rules and regulatina shall be consistent with the laws of the State of California concerning citizens' complaints against peace officers. Nothing in such rules and regulations shall interfere with the board's authority to independently refer a complete citizen complaint investigation to the grand jury, district attorney, or any other governmental agency authorized by law to investigate the activities of a law enforcement agency. The board shall submit semiannual reports to the City Manager and City Gouncil concerning its evaluation of the San Diego Police Department's investigation of citizens' complaints; provided, however, that such reports shall not disclose any information required to be kept confidential by law.	NO	

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,	PROPOSITION H		
	PROPOSITION H. AMENDS THE CITY OF SAN DIEGO PROGRESS GUIDE AND GENERAL PLAN BY ADDING A GROWTH MANAGEMENT ELEMENT. Shall the City adopt a Growth Management Element which: a. Establishes a maximum limit for the next five years of 3,600 new residential units per year, and 3,990 previously approved residential units per year; b. Protects single-family neighborhoods by restricting new development; c. Preserves environmentally sensitive		i.
	lands, including wetlands, floodplains, steep slopes, biologically sensitive lands and significant prehistoric and historic sites; d. Requires that traffic generated by new development stay within roadway capacity. e. Strengthens community plans by requiring periodic comprehensive updates and limiting amendments between updates; f. Requires there be adequate public facilities and services at the time of development; and g. Establishes regional goals for air quality, water, sewage treatment, solid waste disposal and transportation?	NO	,
	PROPOSITION J		
	PROPOSITION J. INITIATIVE MEASURE. AMENDS THE SAN DIEGO GENERAL PLAN. Until standards as designated in the initiative are met, shall the City: a. Limit residential dwelling units as follows: FY 1988-89: 7,000 to 9,000 dwelling units FY 1989-90: 6,000 to 8,000 dwelling units FY 1990-91: 5,000 to 7,000 dwelling units FY 1991-92 and each subsequent	YES	
	fiscal year through the FY 2009-2010: b. Develop and implement a plan for industrial and commercial development consistent with the criteria in the initiative; c. Develop and implement an allocation system for residential development as provided in the initiative; d. Preserve sensitive environmental lands as provided in the initiative; e. Adopt a plan for the ultimate development of the City's sphere of influence as provided in the initiative?	NO ·	
	PROPOSITION K	·	
	PROPOSITION K. (ADVISORY VOTE ONLY) Should the City of San Diego begin a mandatory staggered work hours program, requiring	YES	
	all businesses with twenty-five (25) or more wor- kers to offer employees variable work schedules in order to reduce peak-hour traffic on City roads and freeways?	МО	
	PROPOSITION L.		
	PROPOSITION L. AMENDS PEOPLE'S ORDINANCE NO. 10960 (LIMITING THE HEIGHT OF BUILDINGS IN THE COASTAL ZONE). Shall an exception to the thirty (30) foot height limit for buildings in the Coastal Zone be per-	YES	
	militation of the Coastal Zone be per- milited to allow the restoration of the chimney and rooftop cupola as part of the historic resto- ration of the 1915 Agar/Mission Brewery building located at Washington and Hancock Streets in San Diego, California?	NO	
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; and
WHEREAS, a copy of the certificate of the Registrar of Voters of
San Diego County canvassing the returns of the special municipal
election, as certified to the City Clerk, has been duly received; and
WHEREAS, a canvas of these elections has been completed and
the City Clerk has certified the results to the City Council; NOW
THEREFORE,
EST TRESCUESS by the Council of The City of San Place, that the
  BE IT RESOLVED, by the Council of The City of San Diego, that the Council finds and determines pursuant to the provisions of Section 27.2206 of the San Diego Municipal Code, as follows:
  The number of votes cast in the City was 413,722.

The number of votes cast in the City for and against each of the seven (7) propositions which appeared on the ballot as Propositions, E, F, G, H, J, K and L and the total number of votes cast upon each such propositions is as follows:

PROPOSITION E
For
          The whole number of votes cast in the City was 413,722.
  Against 168,795
TOTAL 345,884
Proposition E received the affirmative vote of a majority of the qualified voters voting on such proposition and is hereby declared to have been approved.
PROPOSITION F
  For 181,195
Against 157,068
TOTAL 338,263
Proposition G received the affirmative vote of a majority of the qualified voters voting on such proposition. Inasmuch as Propositions F and G are conflicting propositions dealing with the same subject matter in conflicting terms, Proposition G prevails to the exclusion of Proposition F because it received the highest affirmative vote. Cal. Const., art. 2, sec. 10(b); Cal. Elections Code section 4016 and San Diego Municipal Code section 27.2527.
PROPOSITION H
For 159,123
                  For
                 Against
TOTAL
                                                                                                                                                                                                   198,436
357,559
   Proposition H did not receive the affirmative vote of a majority of the qualified voters voting on such proposition and is hereby declared to have failed.

PROPOSITION J
                  For
Against
TOTAL
                                                                                                                                                                                                   147,672
210,032
357,704
     Proposition J did not receive the affirmative vote of a majority of the qualified voters voting on such proposition and is hereby declar-
    ed to have failed.
PROPOSITION K (Advisory Vote Only)
   PROPOSITION L
For 260,015
Against 90,888
TOTAL 350,903
Proposition L received the affirmative vote of a majority of the qualified voters voting on such proposition and is hereby declared to have been approved.
     The number of votes in each precinct cast for and against each measure is recorded in the Election Returns Book, which book is a part of the records of this Council.
   The City Clerk shall make public the results of the canvass of the special municipal election by publication of a copy of this resolution APPROVED: John W. Witt, City Attorney
By Ted Bromfield
Chief Deputy City Attorney
Passed and adopted by the Council of The City of San Diego on November 28, 1988 by the following vote:
YEAS: Wolfshelmer, Roberts, McColl, Pratt, Struiksma, Henderson, McCarty, Filner, O'Connor.
NAYS: None.
NOT PRESENTS: None.
AUTHENTICATED BY: MAUREEN O'CONNOR
             AUTHENTICATED BY: MAUREEN O'CONNOR
Mayor of The City of San Diego, California
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California
             (SEAL)
By: ELLEN BOVARD, Deputy
                                                                                                                                                                                                       128633
     Pub. December 12
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