

ORDINANCE NUMBER O-17311 (NEW SERIES)

ADOPTED ON JUN 12 1989

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 27.2003, 27.2020, 27.2103, 27.2110, 27.2111, 27.2201, 27.2204, 27.2204.1, 27.2301, 27.2302, 27.2401, 27.2402, 27.2403, 27.2523, 27.2701, 27.2703, 27.2710, 27.2711, 27.2713, 27.2723, 27.2729, 27.3202, 27.3210 RELATING TO DISTRICT ELECTIONS AND IMPLEMENTING PROPOSITION "E" ADOPTED BY THE VOTERS ON NOVEMBER 8, 1988.

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

Section 1. That Chapter II, Article 7, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 27.2003, 27.2020, 27.2103, 27.2110, 27.2111, 27.2201, 27.2204, 27.2204.1, 27.2301, 27.2302, 27.2401, 27.2402, 27.2403, 27.2523, 27.2701, 27.2703, 27.2710, 27.2711, 27.2713, 27.2723, 27.2729, 27.3202, 27.3210 relating to district elections and implementing Proposition "E" adopted by the voters on November 8, 1988, to read as follows:

SEC. 27.2003 DEFINITIONS

a. "Board of Supervisors" means the Board of Supervisors of the County of San Diego.

b. "City-wide General Election" means the election at which the Mayor and City Attorney are chosen unless such officers are

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chosen at the primary election. Bond propositions and other measures may also be submitted at a City-wide general election.

c. "City-wide Primary Election" means the election at which the Mayor and City Attorney are nominated. Bond propositions and other measures may also be submitted at a City-wide primary election.

d. "Clerk" means the City Clerk of The City of San Diego, or his duly appointed deputy.

e. "Council" means the City Council of The City of San Diego.

f. "District Primary Election" means the election at which Council candidates are nominated.

g. "District General Election" means the election at which Council candidates are chosen unless such officers are chosen at the district primary.

h. "Election" means a municipal election held in the City of San Diego or in the San Diego Unified School District.

i. "Petition" means a document or documents seeking action by the Council of some officer such as (without limiting the generality of the foregoing) a nominating, initiative, referendary or recall petition.

j. "Registrar" means the Registrar of Voters of the County of San Diego, or his duly appointed deputy.

k. "Special Election" means any election other than a district or City-wide primary or district or City-wide general election.

l. "Supplemental Petition" means a document or documents filed any time after the filing of a petition by the person filing such petition, or his designated representative, and relating to the action sought by such petition.

m. "Voter" means an elector who is qualified and entitled to vote under general law in San Diego Unified School District Board of Education elections or in City elections and who is validly registered at the time he seeks to exercise his right to vote.

When a stated percentage of voters is required, that percentage shall be computed as of the date of the next preceding district or City-wide general election, excepting petitions to amend the Charter, in which case that percentage shall be computed according to the county clerk's last official report of registration to the Secretary of State.

SEC. 27.2020 TERM OF OFFICE

The term of office for officers elected at a district or City-wide primary or district or City-wide general election pursuant to this article shall commence at 10:00 o'clock a.m. (local time) on the first Monday after the first day in December following their election or upon the taking of their oath of office, whichever event occurs later. The term of office for officers elected at a special election pursuant to this article shall commence at the time the Council adopts the resolution declaring the results of such election.

SEC. 27.2103 STATEMENT AND AFFIDAVIT OF NOMINEE; NOMINATING PETITIONS

Statement and Affidavit of Nominee forms shall state the name of the candidate, his current residence, his past residences for a period of four years, date and place of birth, the office for which he seeks nomination, the term for which he is running, his occupation, previous public positions held in the City, a written acceptance of the nomination and the manner in which he wishes his name to appear. The affidavit of the nominee shall be attached to nominating petitions and shall be substantially in the following form:

STATEMENT AND AFFIDAVIT OF NOMINEE

STATE OF CALIFORNIA)

COUNTY OF SAN DIEGO) §§

I, _____, being duly sworn, say that I reside at _____ in the (City of San Diego) (San Diego Unified School District), County of San Diego, State of California, and that I am a resident and registered voter of the political district for which I seek nomination and shall have been such for at least thirty days immediately preceding the filing of my nomination petition, and that I am a candidate for the office of

(include District designation, if appropriate)

to be voted upon at the primary election to be held _____, and that I request my name

(insert date)

be printed upon the official ballot for nomination by such primary election for such office, that I will accept such nomination, and that I will serve in such office if elected. I desire to have my name printed on the ballot as follows:

(Print)

Date of Birth _____ Place of Birth _____

I am a candidate for the full/unexpired term. My occupation is _____.

Previous public positions held by me in San Diego:

My places of residence for the past four years have been:

(Residence)

(Signature)

Subscribed and sworn to before me on _____

(Signature of Clerk or
Deputy)

(Official Title)

NOMINATING PETITION

We, the undersigned voters of the _____
hereby nominate _____
for the office of _____

SEC. 27.2110 OBTAINING NOMINATING PAPERS

Nominating papers in connection with
candidacy in regular district primary
elections held in the odd-numbered years may
be obtained from the Clerk not earlier than
eighty-eight days prior to the district
primary election.

Nominating papers in connection with
candidacy in City-wide primary elections that
are consolidated with statewide primary
elections held in the even-numbered years may

be obtained from the Clerk not earlier than thirty (30) days prior to the date after which the Registrar of Voters shall not accept nomination documents for the direct primary election.

In the case of a special election called to fill a vacated elective office, nominating papers may be obtained from the Clerk and circulated not earlier than sixty-seven days prior to the election; except that for special elections that would be consolidated with other statewide elections, Council shall adopt a schedule consistent with the filing of nomination documents for the statewide election.

SEC. 27.2111 FILING NOMINATING PAPERS

Nominating papers for candidacy in regular district primary elections held in the odd-numbered years shall be filed in the office of the Clerk not earlier than the eighty-first day prior to the district primary election nor later than the close of business on the sixtieth day prior to the district primary election.

Nominating papers for candidacy in City-wide primary elections that are consolidated with statewide primary elections

held in the even-numbered years shall be filed in the Office of the Clerk not earlier than twenty-two (22) days nor later than the day prior to the date after which the Registrar of Voters shall not accept nomination documents for the direct primary election.

In the case of a special election called to fill a vacated elective office, nominating papers shall be filed in the Office of the Clerk no earlier than the sixtieth day prior to the district or City-wide primary election no later than the close of business on the fifty-third day prior to the district or City-wide primary election; except that for special elections that would be consolidated with other statewide elections, Council shall adopt a filing schedule consistent with the filing of nomination documents for statewide elections.

All nominating papers, including any petition in-lieu-of nominating fee, shall be filed at the same time; no supplemental filings are allowed.

SEC. 27.2201 DESIGNATION OF CANDIDATE'S TITLE

A candidate who is running for the same elective office which he then holds shall have printed on the ballot, immediately underneath

his name, at his option, the word "Incumbent" or not more than four words designating such elective office, or any other words not exceeding four in number designating the principal profession, vocation or occupation of the candidate.

Candidates for office other than the incumbent may have printed on the ballot in like manner words, not exceeding four in number, designating the principal profession, vocation or occupation of the candidate. The City Clerk shall not permit a designation which would suggest an evaluation of a candidate, such as "outstanding," "leading," "expert," "virtuous," or "eminent." At the time a candidate files his Statement and Affidavit of Nominee, if he desires that his principal profession, vocation or occupation be designated on the ballot, he shall also file with the City Clerk a statement indicating his principal profession, vocation or occupation in not more than four words. Such statement shall be filed on a form provided by the City Clerk and shall contain a declaration by the candidate of the truth thereof. The statement shall be signed under penalty of perjury. The City Clerk shall not

be required to verify a candidate's designated profession, vocation or occupation. No candidate shall assume a designation which would mislead the voters. If, at any time prior to the district or City-wide general election, a candidate ceases to engage in the particular profession, vocation or occupation designated in his statement, he shall immediately notify the City Clerk in writing, signed under penalty of perjury, of such fact, and the City Clerk shall, if said notification is received prior to the printing of the district or City-wide general election ballot, remove such designation from the proposed ballot. If the candidate has indicated a new principal profession, vocation or occupation in his notification, the City Clerk shall enter said new designation on the ballot.

If, at any time prior to the district or City-wide general election, a candidate notifies the City Clerk in writing, signed under penalty of perjury, of his desire to alter the designation selected within the requirements of this section, the City Clerk shall, if said notification is received prior to the printing of the district or City-wide

general election ballot, enter such new designation on the ballot.

Subject to the above provisions, the designation shall remain the same on the ballot for both the district or City-wide primary and district or City-wide general elections.

SEC. 27.2204 STATEMENT OF CANDIDATES' QUALIFICATIONS

Candidates for elective office may prepare a statement of qualifications on a form provided by the Clerk. Such statement may include the name, age, occupation and education of the candidate and a brief description of the candidate's qualifications expressed by the candidate and limited to matter concerning only the candidate without reference to opponents or anyone else by name. Such statement shall not include the party affiliation of the candidate nor membership or activity in partisan political organizations. Such statement, which shall not exceed two hundred words, shall be filed in the office of the Clerk at the following times:

(a) When nominating papers are returned for filing by candidates whose names will appear on the ballot for a district or City-wide primary election, or

(b) Within three (3) days following the district or City-wide primary election for candidates who will be on the district or City-wide general election ballot.

The statement may be withdrawn but not changed during the period for filing the nominating petitions and until 5 p.m. of the next working day after the close of the nomination period or during other prescribed filing periods and until 5 p.m. of the next working day after the close of such period. Statements received by the Clerk shall be kept confidential until the expiration of the filing period.

If the candidate desires to have his picture appear on his statement of qualifications, he shall submit a black and white, glossy photographic print, preferably 8 by 10 inches in size, but no smaller than 5 x 7 inches in size. Only the head and shoulders portion of the candidate's photograph shall be reproduced on the statement; other images appearing on the photograph submitted shall be excluded by cropping. All pictures in the leaflet containing candidate's statements of qualifications shall be as nearly uniform in

size as possible, except for size reductions necessitated by the candidate's format for printed materials.

Printed material on the statements shall be of uniform type size. Boldface type or underscoring may be used for emphasis.

The Clerk shall send to each voter, together with the sample ballot, a voter's pamphlet which contains the written statements of each candidate's qualifications and photograph that is prepared pursuant to this section.

The Clerk shall reject any statement which contains: (1) any language or matter the circulation of which through the mails is prohibited by Congress, (2) any mention of party affiliation of the candidate or membership or activity in partisan political organizations, (3) any matter not relating to the candidate, or (4) any mention of opponents or other persons by name. The statement shall not contain any obscene, vulgar, profane, scandalous, libelous or defamatory matter or any language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward, or which tends to cast ridicule or shame upon any person or

group of persons by reason of race, color, religion or manner of worship. Nothing contained in this section shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the voter's pamphlet.

These services shall be provided by the City at no cost to candidates for City elective offices whose names shall appear on the ballot of the district or City-wide primary election and the district or City-wide general election.

No Statements for Write-in Candidates will be included in the sample ballot.

SEC. 27.2204.1 LISTING OF CANDIDATES ON BALLOTS

Names of candidates as they shall be listed on ballots shall be determined in the following manner:

a. At the Regular City-wide Primary Election and the City-wide General Election of the Mayor or City Attorney, or at any City-wide Special Election, the order of the names of candidates shall be rotated by Council District so that the first name listed

on the ballot in District 1 shall be second in District 2 and the name listed last in District 1 shall be listed first in District 2 and then be second in District 3 and so on through all the districts. The order of the names as they shall be listed in District 1 shall be determined by the City Clerk by lot.

b. At any Regular District Primary Election or any District General Election for Councilmanic Office, the order of names of candidates as they shall appear on the ballot shall be determined by the City Clerk by lot.

SEC. 27.2301 PRIMARY ELECTION

If the results of the canvass of the returns of any district or City-wide primary election reveal that three or more persons seeking election to one office have received an equal and highest number of votes, the Clerk shall, after entry of the results of such election by the Council in its records, notify, in writing, those persons receiving the tie vote, and shall summon them before the Council. The candidates for the district or City-wide general election shall be selected by drawing lots in a manner prescribed by the Council. The Clerk may draw a lot for any absent person. If a demand for a recount has

been made, the drawing may not be set for a time prior to completion of the recount or dismissal of the demand.

SEC. 27.2302 GENERAL OR SPECIAL ELECTION

If the results of the canvass of the returns of any district or City-wide general or special election reveal that two or more persons have received an equal and highest number of votes, the Clerk shall after entry of the results of such election by the Council in its records, notify, in writing, those persons receiving the tie vote and shall summon them before the Council. The winner shall be selected by drawing lots in a manner prescribed by the Council. The Clerk may draw a lot for any absent person. If a demand for a recount has been made, the drawing may not be set for a time prior to completion of the recount or dismissal of the demand.

SEC. 27.2401 DISQUALIFICATIONS OF CANDIDATES

If a candidate for election dies, withdraws, or is disqualified and if proof is presented to the Clerk prior to the time the sample ballots for any election are printed, the person who received the next highest number of votes of those who were candidates for such office shall be deemed a candidate,

and his name shall be printed on the sample ballot for use at the district or City-wide general election.

SEC. 27.2402 SPECIAL ELECTION

If a special election is called by the Council to fill a vacant elective office, the election shall include a district or City-wide primary and a district or City-wide general election and shall be conducted, as far as practicable, under the provisions of this Article.

SEC. 27.2403 DATE OF ELECTION

Elections called by the Council to fill a vacant elective office shall be held so that the successful candidate shall assume office within one hundred fifty days of the date that the district or City-wide primary election is called.

SEC. 27.2523 DIRECT SUBMISSION OF LEGISLATIVE ACT TO VOTERS WITHOUT PETITION

The City Council may submit to the voters of The City of San Diego, without a petition therefor, a proposition for the repeal, amendment or enactment of any legislative act, to be voted upon at any succeeding regular or special election, and if the proposition submitted receives a majority of the votes

cast on it at the election, the legislative act shall be repealed, amended or enacted accordingly. A special or City-wide general election may be called for the purpose of voting on the matter.

SEC. 27.2701 OFFICIALS SUBJECT TO RECALL

Any official elected by City-wide vote who has held office for six (6) months or more, and against whom no recall petition has been filed within the preceding six (6) months, may be recalled by a majority of the voters of the City. A City Councilmember who was elected by district vote and has held office for six (6) months or more, and against whom no recall petition has been filed within the preceding six (6) months, may be recalled by a majority of the voters in the district represented by the Councilmember.

SEC. 27.2703 NUMBER OF SIGNATURES REQUIRED

For any official elected by City-wide vote, no recall petition shall be submitted to the people unless it contains the signatures of at least fifteen percent of the voters of the City. For a Councilmember who was elected by district vote, a recall petition shall contain the signatures of at least fifteen percent of the voters of the councilmanic district for the office held.

SEC. 27.2710 RECALL PETITION

The petition shall consist of sheets of white paper uniform in size with dimensions no smaller than 8 1/2 by 11 inches or greater than 8 1/2 by 14 inches. If the petition contains more than one sheet of paper, it shall be fastened together securely. The recall petition shall be in the following form:

RECALL PETITION

PETITION FOR THE RECALL OF _____
FROM THE OFFICE OF _____

(The title in the form prescribed above with the blank spaces filled in shall be set forth in full at the top of each page of the petition.)

We, the undersigned registered voters of (The City of San Diego, California) (San Diego Unified School District) (Council District) demand the recall of _____
_____ from the office of _____.

The following are the reasons for demanding such recall:

(Here insert a copy of the published notice of intention and accompanying statement and the answer, if any. If the officer has not answered, a statement to that effect shall be inserted here.)

_____	_____	_____
_____	_____	_____
_____	_____	_____

Signature of proponent Residence Date

(NOTE: If an organization is seeking the recall of an officer the statement shall be signed by two officers of the organization.)

SEC. 27.2711 SIGNATURES - RECALL

The signature sheets for voters shall be in the following form:

Signature	Residence	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____

(NOTE: Recall Petitions for Mayor, City Attorney and those Councilmembers elected by City-wide vote may be signed by any voter of the City. Recall Petitions for Councilmembers who were elected by district vote may be signed only by voters within the district represented by the Councilmember.)

SEC. 27.2713 SIGNATURES ON PETITION

A recall petition for any official elected by City-wide vote may be signed by any voter of the City of San Diego. Recall petitions for Councilmembers who were elected by district vote may be signed only by voters within the district represented by the Councilmember. Signatures invalidated by the Clerk may not be counted.

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SEC. 27.2723 TIME FOR SPECIAL ELECTION

If a special election is called, it shall be held not less than sixty (60) days after adoption of the ordinance calling the election but not later than ninety (90) days after such adoption. For an official elected by City-wide vote, if any other election for any purpose at which all voters in the City of San Diego are entitled to vote is to be held within one hundred twenty (120) days from the date the recall petition is presented to the Council, then the Council may, at its discretion, submit the recall proposal and election of a successor at the later election. For a Councilmember who was elected by district vote, if any other election for any purpose at which the voters in the district represented by the Councilmember are entitled to vote is to be held within one hundred twenty (120) days from the date the recall petition is presented to Council, then the Council may, at its discretion, submit the recall proposal and election of a successor at the later election.

Corrected page
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**SEC. 27.2729 OFFICER TO SERVE UNTIL
DECLARATION OF RESULTS**

Any officer whose recall is sought shall continue to perform the duties of his office until the Council has adopted its resolution declaring the results of the election which shows that a majority of the qualified voters have voted in favor of such officer's recall.

SEC. 27.3202 NOMINATING PAPERS

Nominations of Write-in Candidates for elective offices shall be made by filing nominating papers including a declaration and affidavit of Write-in Candidacy in the office of the City Clerk on forms provided by the City Clerk. The form of the papers shall be substantially in the same form as set forth in Section 27.2103 of this Article except for a designation as a Write-in Candidate where appropriate and removal of the reference to a request that the candidate's name be printed upon the official ballot.

Nominating papers for district or City-wide primary or recall elections may be

obtained from the City Clerk no earlier than the first business day after the close of regular nominations for the district or City-wide primary, special or recall election.

Nominating papers for district or City-wide general elections may be obtained from the City Clerk no earlier than the day following the district or City-wide primary election.

**SEC. 27.3210 INCLUSION OF WRITE-IN
CANDIDATE'S NAME ON THE BALLOT
AND IN SAMPLE BALLOTS FOR THE
DISTRICT OR CITY-WIDE GENERAL
ELECTION**

In the event a Write-in Candidate in the district or City-wide primary election is chosen by the electors as one of the two candidates to have their name appear on the district or City-wide general election ballot, the procedures contained in Section 27.2201 through 27.2204.1 regarding designation of the candidate's title, inclusion of the candidate's name on the ballot and sample ballot and statement of candidate's qualifications will be followed.

Section 2. Pursuant to Section 17 of the Charter of The City of San Diego, this ordinance shall take effect on the date of its adoption.

APPROVED: JOHN W. WITT, City Attorney

By *Cristie C McGuire*
Cristie C. McGuire
Deputy City Attorney

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JUN 12 1989

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<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"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksm	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

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

By *Ellen Bovard*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on
JUN 12 1989, 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 *Ellen Bovard*, Deputy.

Office of the City Clerk, San Diego, California

JUN 12 1989

Ordinance Number **0-17311** Adopted

CERTIFICATE OF PUBLICATION

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

NO.

IN THE MATTER OF

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 27.2003, 27.2020, ET AL . . .

THOMAS D. KELLEHER

ORDINANCE NUMBER O-17311 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 27.2003, 27.2020, 27.2103, 27.2110, 27.2111, 27.2201, 27.2204, 27.2204.1, 27.2301, 27.2302, 27.2401, 27.2402, 27.2403, 27.2523, 27.2701, 27.2703, 27.2710, 27.2711, 27.2713, 27.2723, 27.2729, 27.3202, 27.3210 RELATING TO DISTRICT ELECTIONS AND IMPLEMENTING PROPOSITION "E" ADOPTED BY THE VOTERS ON NOVEMBER 8, 1988.

This ordinance amends several sections of the City's Elections Code in Chapter II, Article 7, of the Municipal Code to implement Proposition "E", an amendment to the City Charter adopted by the voters in November 1988. Proposition "E" amended the City Charter to establish District-only Elections for City Council Offices.

This ordinance changes several definitions including the definition of "voter". The definition of "voter" clarifies which elections are used to determine the voter base which, in turn, determines the number of signatures required for initiative, referendum and recall. This ordinance also contains necessary amendments to sections governing recall of Councilmembers other than the Mayor. Specifically, the amendments require that petitions to recall a Councilmember elected by district must contain signatures of 15% of the voters of that district, and that the Councilmember may be recalled by a majority of the voters of that district.

The definition of "voter" is also amended to reflect a recent change in state law, unrelated to Proposition "E", pertaining to the number of signatures required to qualify a charter amendment initiative for the ballot.

This ordinance also contains necessary amendments to other Election Code Sections to reflect the changes in definitions made by this ordinance.

A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced, reading dispensed with and adopted by the City Council of The City of San Diego June 12, 1989
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
By ELLEN BOVARD, Deputy
Pub: June 26 11:43a 1989

I, _____, 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

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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:

JUNE 26

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

Dated at San Diego, California this 26 day of JUNE, 1989.

(Signature)

4" x 2 x 45.32 = \$90.64