

601A

(O-90-149 REV. 1)

ORDINANCE NUMBER O- 17438 (NEW SERIES)

ADOPTED ON MAR 07 1990

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 5, 1990, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO ONE PROPOSITION AMENDING THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING CHARTER SECTIONS 4 AND 12, ONE PROPOSITION AMENDING THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING CHARTER SECTION 5, ONE PROPOSITION ADOPTING AN ORDINANCE CHANGING THE APPROPRIATIONS LIMIT FOR FISCAL YEARS 1992 THROUGH 1995, AND CONSOLIDATING SAID SPECIAL MUNICIPAL ELECTION WITH THE STATE PRIMARY ELECTION TO BE HELD IN SAID CITY ON JUNE 5, 1990.

WHEREAS, in a settlement agreement arising out of the case of Perez et al. v. City of San Diego et al. (USDC No. 88-0103-R(M)) approved by the U.S. District Court for the Southern District of California on October 2, 1989, the City Council has agreed to place on the June 5, 1990 special municipal election ballot, amendments to the City Charter pertaining to the number of council districts set forth in Charter sections 4 and 12, and pertaining to a one-time waiver of the four-year limit on redistricting set forth in Charter section 5; and

WHEREAS, the City Council is desirous of meeting its obligations under that agreement by placing the above-described Charter amendments on the June, 1990 ballot; and

WHEREAS, the City Council desires to submit one proposition amending the Charter of The City of San Diego by amending Charter

sections 4 and 12, one proposition amending the Charter of The City of San Diego by amending Charter section 5, and one proposition adopting an ordinance changing the appropriations limit for the Fiscal Years 1992 through 1995; and

WHEREAS, at a meeting held on March 7, 1990, the City Council of The City of San Diego, California, adopted Resolution No. R-275226 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 5, 1990, 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 5, 1990, 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 4 (Districts Established) of Article II and Section 12 (The Council) of Article III of the Charter of The City of San Diego to read as follows:

Section 4. DISTRICTS ESTABLISHED.

For the purpose of electing members of the Council the City shall be divided into ten Districts as nearly equal in population as practicable. For the municipal primary and general election in 1993, the boundaries of the ten council districts shall be established under provisions of this Charter notwithstanding any provision of Section 5 of this Charter to the contrary.

Thereafter the boundaries of such districts shall be subject to alteration and change under the provisions of this Charter.

In any ordinance adopted by the Council establishing, changing or altering the boundaries of any council district the ordinance may describe the new boundaries by reference to a map on file in the office of the City Clerk; a metes and bounds description of the new boundaries need not be contained in said ordinance.

Section 12. THE COUNCIL.

The Council shall be composed of eleven (11) 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 election 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 the 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 members 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 a member of any Board, Commission or Committee thereof, of which he is constituted such a member by general law or by this Charter.

PROPOSITION _____

Amends Section 5 (Redistricting) of Article II of the Charter of The City of San Diego to read as follows:

Section 5. REDISTRICTING.

In the event that any voting precinct which may be established at the time this Charter takes effect or which may be thereafter established is partly within two or more such districts, said precinct shall be allocated to the District in which a majority of the voters within such precinct resides, and said district boundaries shall be changed accordingly by an ordinance of the Council. The City shall be redistricted by ordinance for the purpose of maintaining approximate equality of population at least every ten (10) years, but no later than nine months following the receipt of the final Federal Decennial Census information. The City shall not be redistricted within four years after any redistricting, except that there shall be a one-time waiver of the four year minimum to permit redistricting prior to the 1993 Municipal election should final Federal Decennial Census figures so require.

Any territory hereafter annexed to or consolidated with The City of San Diego shall at the time of such annexation or consolidation be added to an adjacent District or Districts by an ordinance of the Council, provided that if any territory annexed or consolidated at any one time shall contain a population sufficient to upset the approximate equality of the established districts, the Council shall at least sixty days before an

election after such annexation or consolidation redistrict the City regardless of the time limitation of four years heretofore mentioned.

In any redistricting, the districts shall be comprised of contiguous territory and made as equal in population as shown by census reports, and as geographically compact as possible, and the districts so formed shall, as far as possible, be bounded by natural boundaries, by street lines and/or by City boundary lines.

PROPOSITION _____

AN ORDINANCE OF THE PEOPLE OF THE CITY OF SAN DIEGO CHANGING THE APPROPRIATIONS LIMIT FOR THE FISCAL YEARS 1992 THROUGH 1995.

The People of The City of San Diego do ordain as follows:

SECTION 1. Change of Appropriation Limit.

The appropriations limit for Fiscal Years 1992 through 1995 set pursuant to Article XIIIIB of the California Constitution is changed to the extent set forth in Section 2 of this Ordinance.

SECTION 2. Authority to Appropriate Existing Tax Revenue Sources Collected in Fiscal Years 1992 Through 1995. The City of San Diego appropriations limit for Fiscal Year 1992 provided for in Article XIIIIB of the California Constitution shall be revised upward to \$592,000,000 (an increase of \$273 million) provided this limit is adjusted each year for Fiscal Years 1992-93, 1993-94 and 1994-95 for changes in population and cost of living as provided by the State Constitution to permit the expenditure of anticipated revenues from existing sources and sources to be authorized to fund needed programs which include, but are not necessarily limited to, police protection, fire protection, refuse collection and disposal, library services, park and recreation programs, and facility and infrastructure maintenance and capital improvements.

SECTION 3. Saving Clause. This initiative ordinance is intended to comply with California Constitution Article XIIIIB. If any section, part, clause, form, word or phrase is for any reason held to be invalid, the remaining portions of this

ordinance shall remain in full force and effect and shall be interpreted to serve the intent of this ballot proposition.

SECTION 4. Date of Effect. This ordinance shall take effect immediately upon its enactment.

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 open at 7 a.m. (local time) on June 5, 1990, 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 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:

PROPOSITION ____ . AMENDS THE CHARTER OF
THE CITY OF SAN DIEGO BY AMENDING
SECTIONS 4 AND 12.

Increases the number of seats on the
City Council from eight (8) to ten (10)
commencing in 1993.

Y E S

N O

<p>PROPOSITION ____ . AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING SECTION 5.</p> <p>Creates a one-time waiver of the four-year minimum between redistricting to permit redistricting prior to the 1993 municipal election should Federal Decennial Census figures so require.</p>	<p>Y E S</p>	
	<p>N O</p>	

PROPOSITION ____ . AN ORDINANCE OF THE PEOPLE OF THE CITY OF SAN DIEGO CHANGING THE APPROPRIATIONS LIMIT FOR FISCAL YEARS 1992 THROUGH 1995.

Shall The City of San Diego's appropriations limit for Fiscal Year 1992 provided for in Article XIII B of the California Constitution be revised upward to \$592,000,000 (an increase of \$273 million) provided this limit is adjusted each year for Fiscal Years 1992-93, 1993-94 and 1994-95 for changes in population and cost of living as provided by the State Constitution to permit the expenditure of anticipated revenues from existing sources and sources to be authorized to fund needed programs which include, but are not necessarily limited to, police protection, fire protection, refuse collection and disposal, library services, park and recreation programs, and facility and infrastructure maintenance and capital improvements?

Y E S

N O

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 matter hereinbefore provided shall be counted against the adoption of the propositions.

Section 6. The Special Municipal Election called for June 5, 1990 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 MAR 07 1990, being the day of its introduction and passage.

APPROVED: JOHN W. WITT, City Attorney

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

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03/07/90 REV. 1
Or.Dept:Clerk
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MAR 07 1990

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

To place the Gann Waiver on the June Ballot.

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<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"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

To Approve the Consent Decree

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<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"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

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

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

By Blonda R. Barnes Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on MAR 07 1990, 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 Blonda R. Barnes Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17438 Adopted MAR 07 1990

CERTIFICATE OF PUBLICATION

CITY CLERK'S OFFICE
CITY ADM. BLDG., 2ND FLOOR
SAN ADIEGO, CA. 92101
ATTN: RHONDA BARNES

IN THE MATTER OF

NO.

A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY
ON JUNE 5, 1990,...

ORDINANCE NUMBER 0-17438 (NEW SERIES)

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 5, 1990, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO ONE PROPOSITION AMENDING THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING CHARTER SECTIONS 4 AND 12, ONE PROPOSITION AMENDING THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING CHARTER SECTION 5, ONE PROPOSITION ADOPTING AN ORDINANCE CHANGING THE APPROPRIATIONS LIMIT FOR FISCAL YEARS 1992 THROUGH 1995, AND CONSOLIDATING SAID SPECIAL MUNICIPAL ELECTION WITH THE STATE PRIMARY ELECTION TO BE HELD IN SAID CITY ON JUNE 5, 1990.

This ordinance calls for and provides notice of a special municipal election to be held in The City of San Diego on June 5, 1990, for the purpose of submitting to the voters the following propositions:

1) One proposition amending Charter sections 4 and 12 to increase the number of Council seats from eight (8) to ten (10) commencing in 1993;

2) One proposition amending Charter section 5 to create a one-time waiver of the four-year minimum between redistricting to permit redistricting prior to the 1993 municipal election should the Federal Decennial Census figures so require; and

3) One proposition adopting an ordinance changing the appropriations limit for fiscal years 1992 through 1995.

This ordinance also consolidates this special municipal election with the statewide primary election to be held on the same date.

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.

Passed and adopted by the Council of The City of San Diego on MAR 07 1990, by the following vote: To place the

Gann Waiver on the June Ballot:
YEAS: Wolfshelmer, Roberts, Hartley, Pratt, Bernhardt, Henderson, McCarty, Filner.

NAYS: Mayor O'Connor.
NOT PRESENT: None

To approve the consent decree:
YEAS: Wolfshelmer, Roberts, Hartley, Pratt, Bernhardt, McCarty, Mayor O'Connor

NAYS: Henderson, Filner.
NOT PRESENT: None.

AUTHENTICATED BY:

MARUEEN O'CONNOR
Mayor of The City of San Diego, California
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

(Seal)

By RHONDA R. BARNES, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on MAR 07 1990, 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 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: RHONDA R. BARNES, Deputy.

Pub. March 21

176041

I, 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

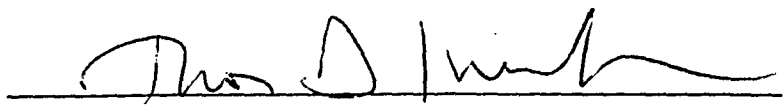
ORDINANCE NUMBER 0-17438 (NEW SERIES)

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:

MAR. 21

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

Dated at San Diego, California this 21 day of MAR, 19 90.


(Signature)

6 1/8 x 2 = 144.98

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CITY CLERK'S OFFICE
90 MAR 26 PM 12:07
SAN DIEGO, CALIF.