

(0-92-77)

ORDINANCE NUMBER O- 17713 (NEW SERIES)

ADOPTED ON NOV 25 1991

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 OF SAN DIEGO ON JUNE 2, 1992, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO THREE PROPOSITIONS AMENDING THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING CHARTER SECTIONS 12, 24 AND 40, AND CONSOLIDATING SAID SPECIAL MUNICIPAL ELECTION WITH THE STATE PRIMARY ELECTION TO BE HELD IN SAID CITY ON JUNE 2, 1992.

WHEREAS, the City Council finds that placing term limits on elected City officials would serve to support the City's compelling interests in eliminating or reducing unfair advantages enjoyed by incumbents, restoring open access to the political process, and stimulating the voters' participation in the electoral process; and

WHEREAS, placing term limits on elected City officials, including Councilmembers, the Mayor, and the City Attorney, will require amendment of Sections 12, 24 and 40 of the City Charter; and

WHEREAS, the City Council also desires to make existing language in Charter sections 24 and 40 gender neutral; and

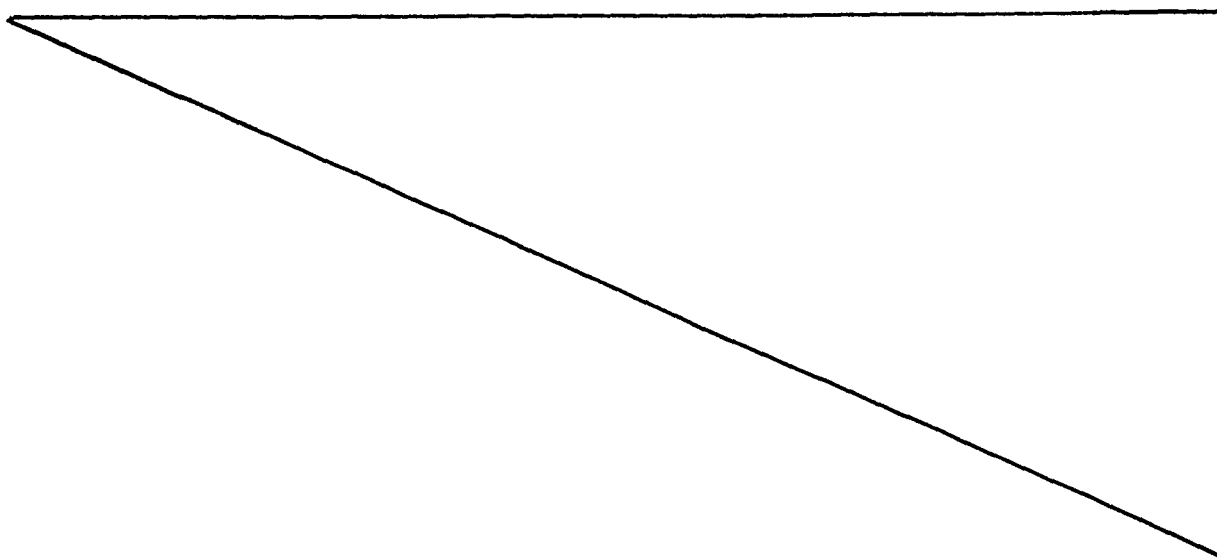
WHEREAS, under authority of San Diego City Charter section 23 and San Diego Municipal Code section 27.2501, the Council of The City of San Diego has the authority to place proposed

legislative acts, including charter amendments, on the ballot for vote of the people without having first received a petition therefor; and

WHEREAS, the City Council of The City of San Diego, California, will request the Board of Supervisors of the County of San Diego to order the consolidation of the Special Municipal Election to be held on June 2, 1992, with the State 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 2, 1992, and pursuant to Section 23 of the Charter of The City of San Diego and Section 27.2501 of the San Diego Municipal Code, 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 12 of the Charter of The City of San Diego to read as follows:

**SECTION 12. THE COUNCIL.**

The Council shall be composed of nine (9) 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 the election and until a 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.

Notwithstanding any other provision of this Charter and commencing with elections held in 1992, no person shall serve

more than two consecutive four-year terms as a Council member from any particular district. If for any reason a person serves a partial term as Councilmember from a particular district in excess of two (2) years, that partial term shall be considered a full term for purposes of this term-limit provision. Persons holding office prior to the November 1992 election shall not have prior or current terms be counted for the purpose of applying this term-limit provision to future elections.

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.

In the event a vacancy occurs for any reason in the office of a Council District, the Council shall have the authority to fill such vacancy by appointment by the remaining Council members; provided, however, that if the Council fails to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, the Council shall immediately cause an election to be held to fill such vacancy solely in the district in which the vacancy occurred. Such election shall be conducted within ninety (90) days of the vacancy. In the event one candidate receives the majority of votes cast for all candidates for the particular vacant elective office, the candidate so receiving the majority of votes shall be deemed to be and declared by the Council to be elected to the vacant office. In the event no candidate receives a majority of votes cast, the two candidates receiving the highest number of votes for the particular vacant elective office at the election shall be the candidates, and only candidates, for the vacant office and the names of only those two candidates shall be printed on the ballots to be used at the run-off election. Any person who fills the vacancy, whether by appointment or election in the District, shall hold office only until the next regular municipal election, at which time a person shall be elected under the provisions of Section 10 of this Charter to serve for the remainder, if any, of the 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.

Council members shall not be eligible during the term for which they were 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 they are constituted such a member by general law or by this Charter.

**PROPOSITION \_\_\_\_\_**

Amends Section 24 of the Charter of The City of San Diego to read as follows:

**SECTION 24. MAYOR.**

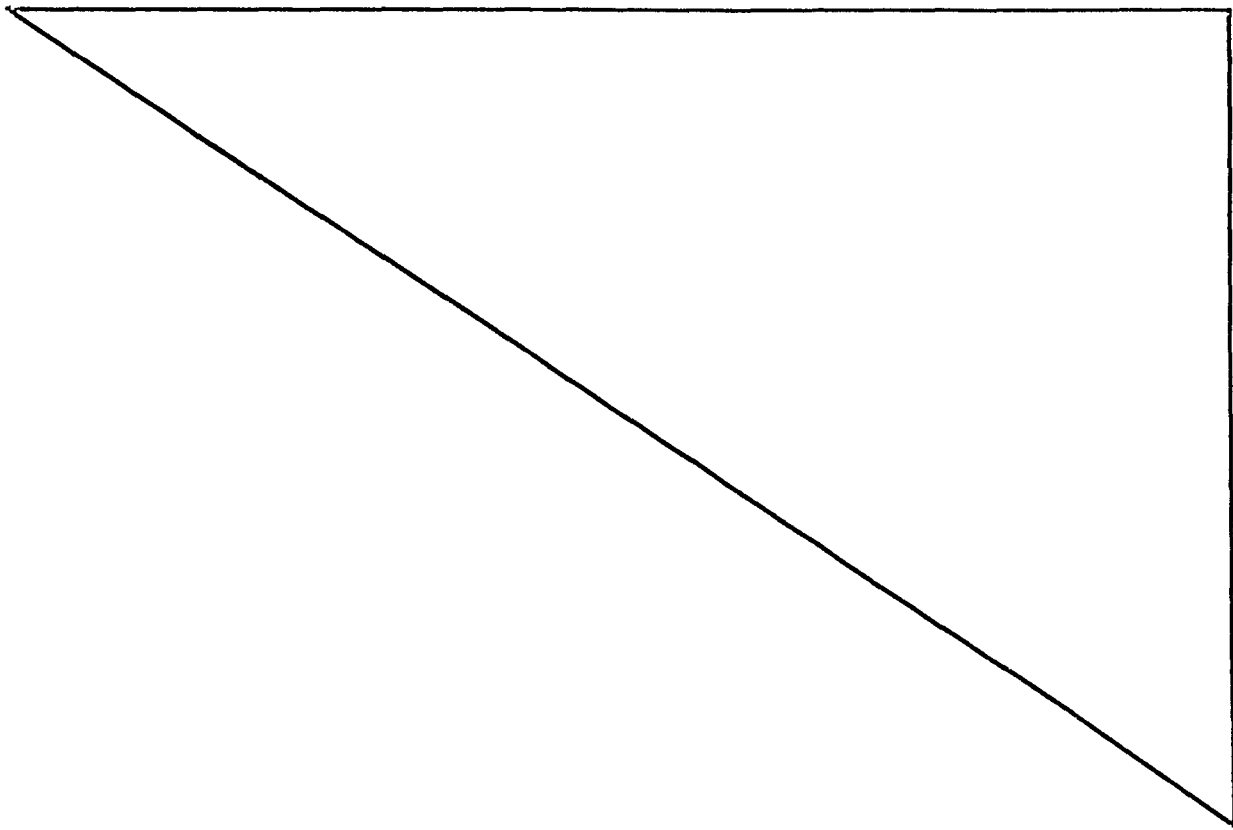
The Mayor shall preside at the meetings of the Council and perform such other duties as may be prescribed by this Charter or as may be imposed by the Council, consistent with the duties of the office of Mayor. The Mayor shall have no power of veto, but shall have a vote as a member of the Council. The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the courts for purpose of serving civil process, for the signing of all legal instruments and documents, and by the Governor for military purposes. On or before the 15th day of January of each year, the Mayor shall communicate by message to the City Council a statement of the conditions and affairs of the City, and make recommendations on such matters as he or she may deem expedient and proper. In time of public danger or emergency, the Mayor may, with the consent of the Council, take command of the police, maintain order and enforce the law.

The rate of pay of the Mayor shall be \$12,000.00 per year.

In the event of a vacancy occurring in the office of the Mayor, existing by reason of any cause, the Council shall have authority to fill such vacancy, provided, however, that if the Council shall fail to fill such vacancy by appointment within thirty (30) days after the vacancy, the Council must immediately

cause an election to be held to fill such vacancy. 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.

Notwithstanding any other provision of this Charter and commencing with elections held in 1992, no person shall serve more than two (2) consecutive four-year terms as Mayor. If for any reason a person serves a partial term as Mayor in excess of two (2) years, that partial term shall be considered a full term for purposes of this term limit provision. Persons holding the office of Mayor prior to the November 1992 election shall not have prior or current terms be counted for the purpose of applying this term limit provision to future elections.





**PROPOSITION \_\_\_\_\_**

Amends Section 40 of the Charter of The City of San Diego to read as follows:

**SECTION 40. CITY ATTORNEY.**

At the municipal primary and general election in 1977, a City Attorney shall be elected by the people for a term of seven (7) years. A City Attorney shall thereafter be elected for a term of four (4) years in the manner prescribed by Section 10 of this Charter.

Notwithstanding any other provision of this Charter and commencing with elections held in 1992, no person shall serve more than two (2) consecutive four-year terms as City Attorney. If for any reason a person serves a partial term as City Attorney in excess of two (2) years, that partial term shall be considered a full term for purposes of this term limit provision. Persons holding the office of City Attorney prior to the November 1992 election shall not have prior or current terms be counted for the purpose of applying this term limit provision to future elections.

The City Attorney shall be the chief legal adviser of, and attorney for the City and all Departments and offices thereof in matters relating to their official powers and duties. The attorney and his or her deputies shall devote their full time to the duties of the office and shall not engage in private legal practice during the term for which they are employed by the City,

except to carry to a conclusion any matters for which they have been retained prior to taking office.

The City Attorney shall appoint such deputies, assistants, and employees to serve him or her, as may be provided by ordinance of the Council, but all appointments of subordinates other than deputies and assistants shall be subject to the Civil Service provisions of this Charter.

It shall be the City Attorney's duty, either personally or by such assistants as he or she may designate, to perform all services incident to the legal department; to give advice in writing when so requested, to the Council, its Committees, the Manager, the Commissions, or Directors of any department, but all such advice shall be in writing with the citation of authorities in support of the conclusions expressed in said written opinions; to prosecute or defend, as the case may be, all suits or cases to which the City may be a party; to prosecute for all offenses against the ordinances of the City and for such offenses against the laws of the State as may be required of the City Attorney by law; to prepare in writing all ordinances, resolutions, contracts, bonds, or other instruments in which the City is concerned, and to endorse on each approval of the form or correctness thereof; to preserve in the City Attorney's office a docket of all cases in which the City is interested in any of the courts and keep a record of all proceedings of said cases; to preserve in the City Attorney's office copies of all written opinions he or she has furnished to the Council, Manager,

Commission, or any officer. Such docket, copies and papers shall be the property of the City, and the City Attorney shall, on retiring from office, deliver the same, together with all books, accounts, vouchers, and necessary information, to his or her successor in office.

The City Attorney shall have charge and custody of all legal papers, books, and dockets belonging to the City pertaining to the office, and, upon a receipt therefor, may demand and receive from any officer of the City any book, paper, documents, or evidence necessary to be used in any suit, or required for the purpose of the office.

The City Attorney shall apply, upon order of the Council, in the name of the City, to a court of competent jurisdiction for an order or injunction to restrain the misapplication of funds of the City or the abuse of corporate powers, or the execution or performance of any contract made in behalf of the City which may be in contravention of the law or ordinances governing it, or which was procured by fraud or corruption. The City Attorney shall apply, upon order of the Council, to a court of competent jurisdiction for a writ of mandamus to compel the performance of duties of any officer or commission which fails to perform any duty expressly enjoined by law or ordinance.

The City Attorney shall perform such other duties of a legal nature as the Council may by ordinance require or as are provided by the Constitution and general laws of the State.

The Council shall have authority to employ additional

competent technical legal attorneys to investigate or prosecute matters connected with the departments of the City when such assistance or advice is necessary in connection therewith. The Council shall provide sufficient funds in the annual appropriation ordinance for such purposes and shall charge such additional legal service against the appropriation of the respective Departments.

The salary of the City Attorney shall be fixed by the Council and set forth in the annual appropriation ordinance, provided that the salary of the City Attorney may not be decreased during a term of office, but in no event shall said salary be less than \$15,000.00 per year.

In the event of a vacancy occurring in the office of the City Attorney by reason of any cause, the Council shall have authority to fill such vacancy, which said authority shall be exercised within thirty (30) days after the vacancy occurs. Any person appointed to fill such vacancy shall hold office until the next regular municipal election, at which time a person shall be elected to serve the unexpired term. Said appointee shall remain in office until a successor is elected and qualified.

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 2, 1992, 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 State 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 ____.</p> <p>CHARTER AMENDMENT. AMENDS SECTION 12 OF THE CHARTER OF THE CITY OF SAN DIEGO.</p> <p>Commencing with elections held in 1992, prohibits any person from holding the office of Councilmember from any particular Council district for more than two (2) consecutive terms.</p>	Y E S	
	N O	
<p>PROPOSITION ____.</p> <p>CHARTER AMENDMENT. AMENDS SECTION 24 OF THE CHARTER OF THE CITY OF SAN DIEGO.</p> <p>Commencing with elections held in 1992, prohibits any person from holding the office of Mayor for more than two (2) consecutive terms.</p>	Y E S	
	N O	

<p>PROPOSITION ____.</p> <p>CHARTER AMENDMENT. AMENDS SECTION 40 OF THE CHARTER OF THE CITY OF SAN DIEGO.</p>	<p>Y E S</p>	
<p>Commencing with elections held in 1992, prohibits any person from holding the office of City Attorney for more than two (2) consecutive terms.</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 2, 1992, in The City of San Diego is hereby ordered consolidated with the State Primary Election to be held on the same date. Within The City of San Diego precincts, polling places and officers of the election for the Special Municipal Election shall be the same as those provided for in the State 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 NOV 25 1991, being the day of its introduction and passage.

APPROVED: JOHN W. WITT, City Attorney

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

CCM:jrl  
11/22/91  
Or.Dept:Clerk  
O-92-77  
Form=o+t

#151

Passed and adopted by the Council of The City of San Diego on.....NOV 25 1991.....  
by the following vote:

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"/>
Tom Behr	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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  Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on  
NOV 25 1991  
....., 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  Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17713 Adopted NOV 25 1991



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CITY CLERKS OFFICE  
SAN DIEGO, CA

CERTIFICATE OF PUBLICATION

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\$1 DEC 12 AM 10:45  
SAN DIEGO, CALIF.

CITY CLERK'S OFFICE  
CITY ADMN. BLDG.  
202 C ST.  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING ORDINANCE NO. O-17667 (NEW SERIES), AS  
AMENDED, ENTITLED "AN ORDINANCE ADOPTING THE ANNUAL BUDGET..."

0-17714

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

AN ORDINANCE AMENDING ORDINANCE NO. O-17667 (NEW SERIES), AS AMENDED, ENTITLED "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 1991-92 AND APPROPRIATING THE NECESSARY MONEY TO OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR" BY AMENDING DOCUMENT NO. OO-17667, AS AMENDED AND ADOPTED THEREIN, BY ADDING \$150,000 TO THE GENERAL FUND, NONDEPARTMENTAL EXPENDITURES ANNUAL AUDIT PROGRAM TO BE REIMBURSED BY THE SAN DIEGO DATA PROCESSING CORPORATION.

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

Section 1. That Ordinance No. O-17667 (New Series), as amended, entitled "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 1991-92 AND APPROPRIATING THE NECESSARY MONEY TO OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR," be and the same is hereby amended by amending Document No. OO-17667, as amended and adopted therein, by adding \$150,000 to the General Fund, Nondepartmental Expenditures Annual Audit Program, to be reimbursed by the San Diego Data Processing Corporation.

Section 2. This ordinance shall take effect and be in force immediately upon its adoption after two public hearings, pursuant to the authority contained in Sections 16, 17 and 71 of the Charter of The City of San Diego.

Introduced, reading dispensed with and adopted by the Council of The City of San Diego on NOV 25 1991.

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 SUZANNE OLIVA, Deputy

Pub. Dec 9 238347

ORDINANCE O-17667

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 9

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

Dated at San Diego, California this 9TH day of DEC, 19 91.

  
(Signature)

2 7/8" x 2 = 77.44