

RESOLUTION NUMBER R- 283521

ADOPTED ON MAR 08 1994

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO REQUESTING THE CONSOLIDATION OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF SAN DIEGO ON JUNE 7, 1994, WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THE SAME DATE.

WHEREAS, at meetings of the City Council held on MAR 08 1994, the Council indicated its intention to submit to the qualified voters of the City of San Diego one proposition relating to amending section 12 of the Charter of The City of San Diego and one proposition amending the City's Progress Guide and General Plan at a special municipal election to be held in the City on June 7, 1994; and

WHEREAS, it is desirable that this special municipal election be consolidated with the statewide primary election to be held on the same date and that within the City of San Diego the election precincts, polling places, voting booths and election officials for the two elections be the same, and that the Board of Supervisors of the County of San Diego be authorized to canvass the returns of the special municipal election and that this special municipal election and the statewide primary election be held in all respects as if there were only one election; and

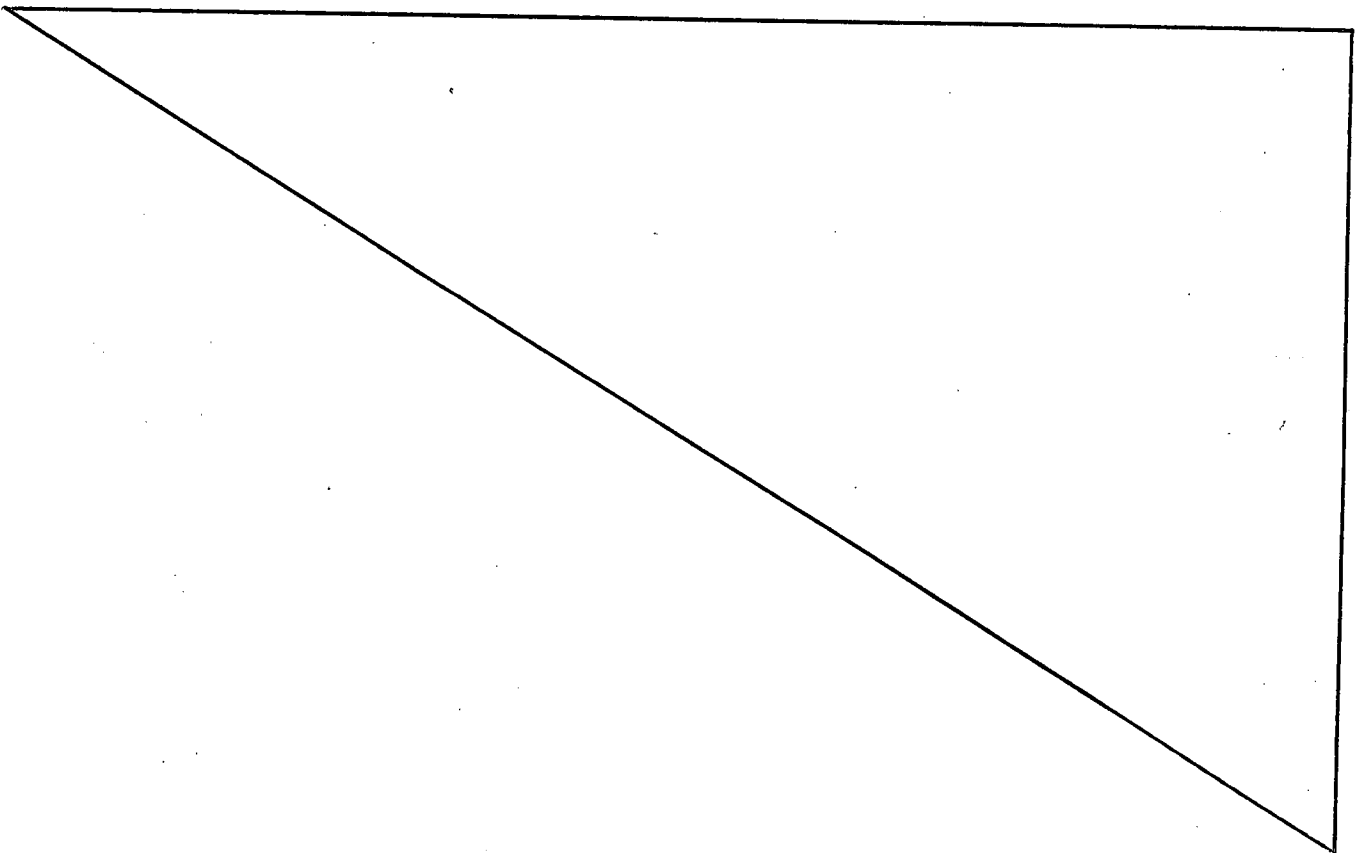
WHEREAS, this Council within the time required by law has or will adopt an ordinance calling for a special municipal election

and consolidating it with the statewide primary election; NOW,
THEREFORE,

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

1. The Board of Supervisors of the County of San Diego is hereby requested to consolidate the special municipal election to be held in The City of San Diego on June 7, 1994, with the statewide primary election to be held on the same date, for the purpose of amending the Charter of The City of San Diego and amending the Progress Guide and General Plan of The City of San Diego.

2. The exact form of the propositions to be voted upon at this special municipal election and as they are to appear on the ballot is as follows:



PROPOSITION ____ . AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING SECTION 12 PERTAINING TO COUNCIL VACANCIES.

Shall Section 12 of the Charter of The City of San Diego pertaining to filling Council vacancies be amended to read as follows:

(h) If a vacancy occurs for any reason in the office of a Council District, the procedures set forth in Charter section 12(h) shall be followed:

(1) If the vacancy occurs for any reason other than a successful recall election, and,

(A) If the vacancy occurs with one (1) year or less remaining in the term, the Council shall appoint a person to fill the vacant seat on the City Council. Any person appointed by the Council to fill a vacant Council District seat shall not be eligible to run for that office for the next succeeding term; or,

(B) If the vacancy occurs with more than one (1) year remaining in the term, the Council shall call a special election to be held within ninety (90) days of the vacancy, unless there is a regular municipal or statewide election scheduled to be held within 180 days of the vacancy. If there is a regular municipal or statewide election scheduled to be held within 180 days of the vacancy, the Council may consolidate the special election with that regular election.

(i) If one candidate receives the majority of votes cast for all candidates in the special election, the candidate receiving the majority of votes cast shall be deemed to be and declared by the Council to be elected to the vacant office.

(ii) If no candidate receives a majority of votes cast in the special election, a special run-off election shall be held within forty-nine (49) days of the first special election, unless there is a regular municipal or statewide election scheduled to be held

YES

NO

within ninety (90) days of the proposed special run-off election date, at which time the City Council may consolidate the special run-off election with that regular election. The two (2) candidates receiving the highest number of votes cast for the vacant seat in the first special election shall be the only candidates for the vacant Council seat and the names of only those two (2) candidates shall be printed on the ballot for that seat.

(2) If a vacancy occurs by reason of a successful recall election, the Council shall adopt procedures to fill the vacancy.

Whether a person is appointed or elected to fill a vacant Council District seat, whatever the reason for the vacancy, that person shall serve as that District's Councilmember for the remainder of the unexpired term.

For purposes of Charter section 12(h), a vacancy may result from death, resignation, recall, or unexcused absences as described in Charter section 12(i). If vacancy occurs by reason of a resignation, the date of the vacancy will be the date specified in the written letter of resignation or, if there is no date certain specified in the letter, upon the date of receipt of the letter by the City Clerk.

This proposition also contains house-keeping amendments to alphabetize the paragraphs in Section 12.

PROPOSITION ____ . AMENDS THE CITY OF SAN DIEGO'S PROGRESS GUIDE AND GENERAL PLAN BY IMPOSING DEVELOPMENT CONTROLS AND CHANGING THE DESIGNATION OF THE NORTH CITY FUTURE URBANIZING AREA.

Shall the Progress Guide and General Plan for the City of San Diego be amended to

- (1) impose certain conditions on future development, and
- (2) provide for a change in designation from "future urbanizing" to "planned urbanizing"

on land in what is now the North City Future Urbanizing Area of the City. The conditions imposed on future development shall include:

- (a) Completion of environmental review required by the California Environmental Quality Act.
- (b) Approval by the City Council of a financing plan to fund completion of State Route 56.
- (c) Approval of school facilities financing plans.
- (d) Approval by the City Council of public facilities financing and phasing plans requiring pro-rata funding by new development.
- (e) Establishment of a maximum of 17,500 residential units, and a minimum allowable 14,780 residential units, with at least 10% of the residential units being affordable housing.
- (f) Preservation of a minimum of 6,000 acres of open space in an Environmental Tier.
- (g) Consistency with a multiple species conservation program, if adopted.
- (h) Preparation of detailed Subarea Plans prior to development.
- (i) Preparation of traffic plans which provide for mitigation of traffic impacts on contiguous communities.

YES

NO

(j) Compliance with the California Coastal Act where applicable.

This proposition contains a clause which provides that the change in designation will remain in effect if any other provision is declared unenforceable.

The propositions shall be designated on the ballot by a letter printed on the left margin of the square containing the description of each measure as provided in Section 10219 of the Elections Code of the State of California.

3. That the Board of Supervisors is hereby authorized to canvass the returns of this special municipal election and is requested to conduct the elections in all respects as if there were only one election using only one form of ballot.

4. That the Board of Supervisors of the County of San Diego is requested to issue to all officers of the County charged with duties pertaining to the statewide primary election appropriate instructions to take any and all steps necessary for the holding of a consolidated election.

5. That the City Clerk of The City of San Diego is hereby directed to file a certified copy of this resolution with the Board of Supervisors and Registrar of Voters of the County of San Diego.

BE IT FURTHER RESOLVED, that the County of San Diego shall be reimbursed in full for the services performed by the Registrar of Voters for the City of San Diego in connection with the election services herein described.

BE IT FURTHER RESOLVED, that the City of San Diego agrees to indemnify and to save free and harmless the County, its officers, agents and employees from expense or liability, including reasonable attorneys fees, as the result of an election contest initiated pursuant to the provisions of Division 13 of the Elections Code of the State of California after conduct of these elections.

APPROVED: JOHN W. WITT, City Attorney

By

Cristie C McGuire

Cristie C. McGuire
Deputy City Attorney

CCM:jrl:js
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03/04/94 COR. COPY
03/08/94 REV. 1
Or.Dept:Clerk
Aud.Cert:9400840
R-94-1229
Form=r.cons

**The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE

AC 9400840

ORIGINATING DEPT. NO.: 065

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$ _____ Fund _____

Purpose _____

Date _____ By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed \$ 200,000.00

Vendor County Registrar of Voters

Purpose Authorizing the expenditure of funds for all ballot measures that the council is considering placing on the June 1994 ballot.

Date February 22, 1994 By: 

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
01	0	81140	81140		4222	081141				\$200,000.00
TOTAL AMOUNT										\$200,000.00

FUND OVERRIDE

AC 9400840

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