

(O-97-78)

ORDINANCE NUMBER O- 18380 (NEW SERIES)

ADOPTED ON FEB 03 1997

AN ORDINANCE REPEALING ORDINANCE NO. O-18365 (NEW SERIES) ENTITLED "AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AMENDMENTS TO AGREEMENTS WITH THE SAN DIEGO CHARGERS REGARDING AND RELATED TO THE USE AND OCCUPANCY OF SAN DIEGO JACK MURPHY STADIUM."

WHEREAS, the Council of The City of San Diego on December 10, 1996, adopted Ordinance No. O-18365 (New Series) entitled, "An Ordinance of the Council of the City of San Diego Approving Amendments to Agreements with the San Diego Chargers Regarding and Related to the Use and Occupancy of San Diego Jack Murphy Stadium;" and

WHEREAS, on December 27, 1996, through January 9, 1997, a referendary petition requesting the City Council to repeal or rescind Ordinance No. O-18365 (New Series) or submit Ordinance No. O-18365 (New Series) to the registered voters of the City for their approval or rejection was filed in the office of the City Clerk as Document No. 288314; and

WHEREAS, the City Clerk has found the referendary petition to contain the requisite number of valid signatures and to be in proper form and has so certified;

WHEREAS, the City Clerk presented these petitions, with certification attached, to the City Council on January 28, 1997; and

WHEREAS, pursuant to San Diego Municipal Code sections 27.2615 and 27.2616, the Council must within ten (10) days reconsider the ordinance and such ten (10) day period will lapse on February 7, 1997; and

WHEREAS, the Council on January 28, 1997, by Resolution No. R-288314 granted the above-referenced petition, reconsidered Ordinance No. O-18365 (New Series), and indicated its intention to repeal the ordinance; and

WHEREAS, the adoption of Resolution No. R-288314 satisfies the requirements of Municipal Code sections 27.2615 and 27.2616 but Michael Aguirre, attorney for the plaintiffs in the case, Henderson, et al. v. City of San Diego, et al., San Diego Superior Court case no. 706794 has contended that only the actual repeal of Ordinance No. O-18365 (New Series) will satisfy the requirements of the Municipal Code; and

WHEREAS, the City Council wishes to avoid further needless and meritless litigation over a tangential issue in the above referenced case; and

WHEREAS, the introduction and adoption of an ordinance in the normal course cannot be accomplished within the ten (10) day period provided for in Municipal Code sections 27.2615 and 27.2616 because of the twelve (12) day period between introduction and final passage for general ordinances required by San Diego Charter section 16; and

WHEREAS, the adoption of an ordinance repealing Ordinance No. O-18365 (New Series) relates to an election within the meaning of San Diego City Charter sections 16 and 17;

NOW, THEREFORE,

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

Section 1. That Ordinance No. 18365 (New Series) is hereby repealed.

Section 2. That this ordinance shall take effect and be in force immediately upon its passage.

APPROVED: CASEY GWINN, City Attorney

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

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