

(O-99-8)

ORDINANCE NUMBER O- 18561 (NEW SERIES)

*Re*-ADOPTED ON AUG 07 1998

AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO AT THE MUNICIPAL ELECTION CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 1998, ONE PROPOSITION AMENDING THE CITY CHARTER BY ADDING SECTION 94.2 RELATING TO DESIGN-BUILD CONTRACTS.

WHEREAS, pursuant to Section 223 of The San Diego City Charter, Section 3 (b), Article XI, of the California Constitution, and Section 9255(a)(2) of the California Elections Code, the City Council has authority to place Charter amendments on the ballot to be considered at a Municipal Election; and

WHEREAS, by Ordinance No. O- 18559, adopted on AUG 07 1998, the Council of The City of San Diego is calling a Municipal Election to be consolidated with the Statewide General Election on November 3, 1998, for the purpose of submitting to the qualified voters of the City one or more ballot propositions ; and

WHEREAS, the City Council desires to submit to the voters at that Municipal Election one proposition amending the Charter of The City of San Diego by adding Section 94.2 titled "Design-Build Contracts"; NOW, THEREFORE,

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

Section 1. One proposition amending the City Charter by adding Section 94.2 is hereby submitted to the qualified voters of the City at the Municipal Election to be held November 3, 1998, the proposition to read as follows:

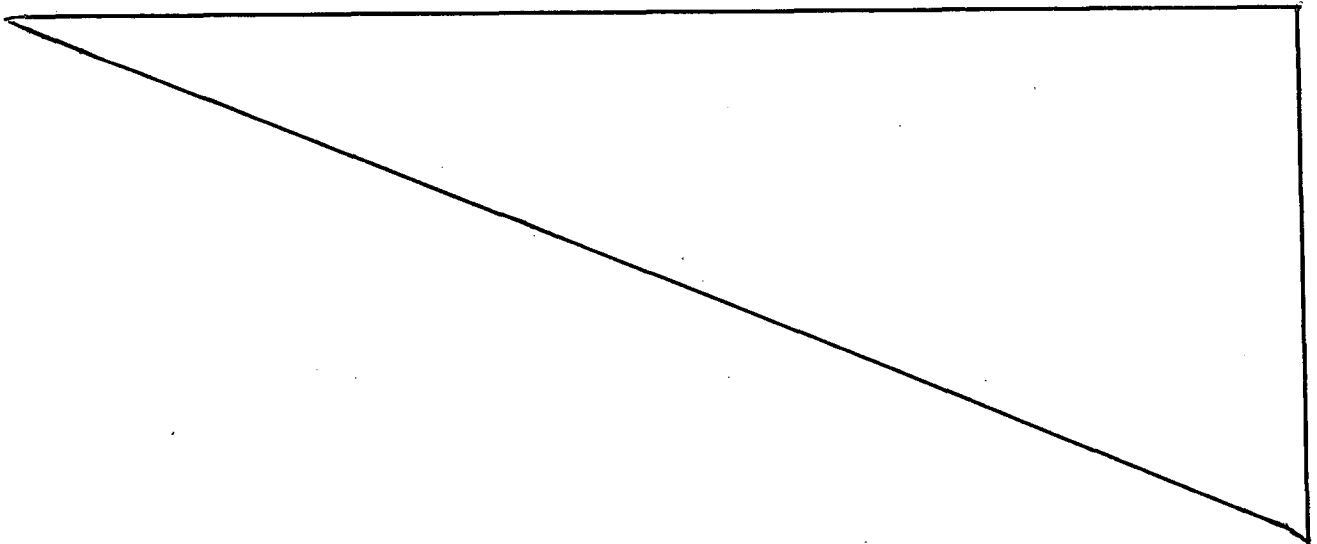
**PROPOSITION**

**SEC. 94.2 DESIGN-BUILD CONTRACTS.**

Notwithstanding any provisions of this Charter to the contrary, the City is not prohibited from awarding contracts for the combined design and construction of public works pursuant to a process of competitive negotiation, provided the process of competitive negotiation is conducted as may otherwise be required by this Charter or the Municipal Code. The City Council shall establish by ordinance guidelines for the award, use, and evaluation of such design-build contracts, and may set an amount below which the City Manager may award such contracts.

Section 2. The proposition shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in Section 3 of this ordinance.

Section 3. On the ballot to be used at this Municipal Election, in addition to any other matters required by law, there shall be printed substantially the following:



<p><b>PROPOSITION ____ . AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY ADDING SECTION 94.2, DESIGN-BUILD CONTRACTS.</b></p> <p>Shall the City Charter be amended to permit the award of public works contracts to the same entity which furnishes both design and construction services for the same project and which must be competitively negotiated? Amendment requires the City Council to enact an ordinance to set guidelines for the use, evaluation, and award of such contracts.</p>	YES	
	NO	

Section 4. An appropriate mark placed in the voting square after the word "yes" shall be counted in favor of the adoption of this proposition. An appropriate mark placed in the voting square after the word "No" shall be counted against the adoption of the proposition.

Section 5. The City Clerk shall cause this ordinance to be published once in the official newspaper on the Friday following adoption by the City Council. No other notice of election on this proposition need be given.

Section 6. Pursuant to California Elections Code Section 9295, this measure will be available for public examination for no fewer than ten calendar days prior to being submitted for printing in the sample ballot. During the examination period, any voter registered in the City may seek a writ of mandate or an injunction requiring any or all of the measure to be amended or deleted. The examination period will end on the day that is 75 days prior to the date set for the election. The Clerk shall post notice in his office the specific dates that the examination period will run.

Section 7. Pursuant to section 17 of the San Diego City Charter, this ordinance relating to elections shall take effect on AUG 07 1998, which is the day of its introduction and passage.

APPROVED: CASEY GWINN, City Attorney

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

CCM:jrl

7/16/98

Or.Dept:Clerk

Aud.Cert:

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