

(O-2002-45)

19002

ORDINANCE NUMBER O- _____ (NEW SERIES)

ADOPTED ON **NOV 05 2001**

AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO AT THE SPECIAL MUNICIPAL ELECTION CONSOLIDATED WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON MARCH 5, 2002, ONE PROPOSITION AMENDING THE CITY CHARTER BY ADDING SUBSECTION (d) TO CHARTER SECTION 41 GRANTING SUBPOENA POWER TO THE SAN DIEGO ETHICS COMMISSION.

WHEREAS, pursuant to Section 223 of the San Diego City Charter, Section 3(b), Article 11 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- **19001**, adopted on **NOV 05 2001**, the Council of the City of San Diego is calling a Special Municipal Election [Special Election] to be consolidated with the Statewide Primary Election on March 5, 2002, 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 Special Election one proposition amending the Charter of the City of San Diego by adding subsection (d) to Section 41; 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 subsection (d) to Section 41 is hereby submitted to the qualified voters of the City at the Special Election to be held on March 5, 2002, the proposition to read as follows:

PROPOSITION

SEC. 41(d) ETHICS COMMISSION

For so long as an Ethics Commission remains established by ordinance of the Council, the Executive Director of the Commission shall be appointed by the Commission, subject to confirmation by the Council, and shall thereafter serve at the direction and pleasure of the Commission. The Commission may, in accordance with complaint and investigation procedures approved by ordinance of the Council, subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records, or other items material to the performance of the Commission's duties or exercise of its powers.

END OF PROPOSITION

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 Special Election, in addition to any other matters required by law, there shall be printed substantially the following:

<p>PROPOSITION ____ . AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY ADDING SUBSECTION (d) TO SECTION 41 GRANTING SUBPOENA POWER TO THE SAN DIEGO ETHICS COMMISSION.</p> <p>Shall the City Charter be amended to grant subpoena power to the San Diego Ethics Commission?</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. Passage of this proposition requires the affirmative vote of a majority of those qualified electors voting on the matter at the Special Election.

Section 6. The City Clerk shall cause a digest of this ordinance to be published once in the official newspaper on the Friday following adoption by the City Council. No other notice of the election on this proposition need be given.

Section 7. Pursuant to San Diego Municipal Code [SDMC] Section 27.0402, 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, and the Clerk shall post a public notice of the specific dates that the examination period will run.

Section 8. Pursuant to SDMC § 27.0403(a), the public examination period will end on the 75th calendar day prior to the date set for the election.

Section 9. Pursuant to SDMC § 27.0404, during the public 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.

Section 10. A full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 11. Pursuant to Section 17 of the San Diego City Charter, this ordinance relating to elections shall take effect on NOV 05 2001, 2001, which is the day of its introduction and passage.

APPROVED: CASEY GWINN, City Attorney

By: 
Cristie C. McGuire
Deputy City Attorney

CCM:vl
10/22/01
Or.Dept:Clerk
Aud.Cert: 2200472
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