

ORDINANCE NUMBER O-19013 (NEW SERIES)

ADOPTED ON NOV 19 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 RELATING TO AN INITIATIVE PETITION AMENDING THE CITY CHARTER BY ADDING SECTION 76.2 TITLED "GENERAL TAXES."

WHEREAS, pursuant to Section 223 of the San Diego City Charter, Section 3(b), Article 11, of the California Constitution, and Section 9255(a)(3) of the California Elections Code, an amendment to a city charter proposed by an initiative petition signed by fifteen percent of the registered voters of the city may be placed on the ballot to be considered at a Municipal Election; and

WHEREAS, by Ordinance No. O-19013, adopted on NOV 19 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, on June 29, 2000, proponents of "the San Diego Taxpayer Protection Act of 2000" filed an initiative petition with the City Clerk for submission of a proposed amendment to the San Diego Charter regarding general taxes to the voters; and

WHEREAS, the City Clerk certified that the initiative petition contained the requisite number of signatures to qualify the matter for submission to the voters; and

WHEREAS, by Resolution No. R-293814 adopted on September 18, 2000, the City Council accepted the Clerk's certification and directed the City Attorney to prepare an ordinance to place this matter on the ballot; and

WHEREAS, the City Council is required to submit to the voters at the Special Election on March 5, 2002, one proposition relating to the above-described initiative petition amending the City Charter by adding Section 76.2 titles "General Taxes;" 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 76.2 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

THE SAN DIEGO TAXPAYERS PROTECTION ACT OF 2000

CHARTER AMENDMENT

THE PEOPLE OF THE CITY OF SAN DIEGO DO ORDAIN AS FOLLOWS:

SECTION 1. Title

This Charter Amendment shall be known and may be cited as "The San Diego Taxpayers Protection Act of 2000."

SECTION 2. Findings and Declarations

The people of the City of San Diego hereby find and declare all of the following:

(a) Current law requires that any proposed special tax must be submitted to the voters and approved by a two-thirds vote for the special tax to be levied.

(b) The taxpayers deserve the same protection for any increase in an existing general tax or any new general tax that might be imposed by the San Diego City Council.

SECTION 3. Purpose and Intent

The people of the City of San Diego hereby declare their purpose and intent in enacting the measure is as follows:

(a) To require that any increase in an existing general tax or imposition of a new general tax proposed by the San Diego City Council be approved by a two-thirds vote of the qualified electors of the City.

(b) To provide the taxpayers of San Diego with the same protection that exists for the imposition of any new special tax.

SECTION 4.

The Charter of the City of San Diego is amended by adding SECTION 76.2 to read as follows:

SECTION 76.2 GENERAL TAXES

Notwithstanding any provision of this Charter to the contrary, any increase in an existing general tax or imposition of any new general tax may be levied by the Council only if the proposed levy has been approved by a two-thirds vote of the qualified electors of the City

voting on the proposition. As used in this section, a “general tax” is a tax levied for the general fund to be utilized for general governmental purposes.

SECTION 5. Severability

If any provision of this Charter Amendment or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalidity of unconstitutionality shall not affect other provisions or applications of this Charter Amendment which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this initiative are severable.

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 SAN DIEGO CITY CHARTER BY ADDING SECTION 76.2 REGARDING GENERAL TAXES.</p> <p>Shall the Charter be amended to require that any increase in an existing general tax or imposition of any new general tax be levied by the Council only if the proposed levy has been approved by a two-thirds vote of the qualified City electors voting on the proposition?</p>	<p>YES</p>	
	<p>NO</p>	

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 19 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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