

RESOLUTION NUMBER R- 299124

ADOPTED ON APR 26 2004

A RESOLUTION DECLARING THE RESULTS OF THE MUNICIPAL PRIMARY ELECTION AND THE SPECIAL MUNICIPAL ELECTION HELD IN THE CITY OF SAN DIEGO ON MARCH 2, 2004.

WHEREAS, a municipal primary election was held in the City of San Diego on Tuesday, March 2, 2004, pursuant to the provisions of Ordinance No. O-19234 (New Series), adopted November 3, 2003, for the purpose of nominating candidates and, if any candidate received a majority of all votes cast, for the purpose of electing that candidate; and

WHEREAS, a special municipal election was held in the City of San Diego on the same date, pursuant to the provisions of Ordinance No. O-19235 (New Series), adopted November 3, 2003, which special election was consolidated with the state primary election for the purpose of submitting to the qualified voters of the City of San Diego one or more ballot propositions; and

WHEREAS, pursuant to two (2) separate ordinances, two (2) propositions were placed upon the March 2, 2004 ballot, which propositions are described as follows:

- (1) One proposition amending the City of San Diego Charter [Charter] by adding Section 94.4, relating to construction manager at risk contracts, was placed on the ballot by Ordinance No. O-19239 (New Series), adopted on November 24, 2003 (Proposition B); and

- (2) One proposition relating to increasing the City's transient occupancy tax by 2.5 percent, was placed on the ballot by Ordinance No. O-19227 (New Series), adopted on October 20, 2003 (Proposition C); and

WHEREAS, these propositions read as follows:

<p>PROPOSITION B. AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY ADDING SECTION 94.4, CONSTRUCTION MANAGER AT RISK CONTRACTS. Shall the City Charter be amended to permit the award of public works construction contracts using a combination of (1) design review and management services, and (2) construction and construction management services; for a guaranteed maximum price pursuant to a process of competitive negotiation conducted as required by the Charter or Municipal Code?</p>	YES	
	NO	

; and

<p>PROPOSITION C. EMERGENCY SERVICES, ROADS, PARKS, TOURISM AND OTHER SPECIFIED USES ORDINANCE. Shall the City increase the transient occupancy tax (TOT) paid by hotel and motel visitors by 2.5%, and shall these funds, along with some current TOT funds, be earmarked to fund Fire-Rescue and Policy emergency services, equipment and facilities; road improvements; park and coastal improvements; tourism promotion; and library and arts programs; and shall public audits be conducted of the uses of these funds?</p>	YES	
	NO	

; and

WHEREAS, a copy of the certificate of the Registrar of Voters of San Diego County canvassing the returns of the municipal primary election and the special municipal election, as certified to the City Clerk, has been duly received; and

WHEREAS, a canvass of these elections has been completed and the City Clerk has certified the results to the City Council; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council finds and determines, pursuant to the provisions of Section 27.0411 of the San Diego Municipal Code, as follows:

I

The whole number of votes cast in the City was 259,713.

II

The total vote received by each municipal candidate at the municipal primary election is as follows:

A. FOR MAYOR (four-year term)

DICK MURPHY	100,086
RON ROBERTS	73,223
PETER Q. DAVIS	56,037
JIM BELL	18,933

DICK MURPHY and RON ROBERTS are hereby declared to be the candidates for the office of Mayor in the General Municipal Election.

B. FOR CITY ATTORNEY (four-year term)

MICHAEL J. AGUIRRE	104,610
LESLIE DEVANEY	63,664
DEBORAH L. BERGER	59,335

MICHAEL J. AGUIRRE and LESLIE DEVANEY are hereby declared to be the candidates for the office of City Attorney in the General Municipal Election.

C. FOR COUNCIL DISTRICT NO. 1 (four-year term)

SCOTT PETERS	19,983
PHIL THALHEIMER	12,816
KATHRYN BURTON	8,433

SCOTT PETERS and PHIL THALHEIMER are hereby declared to be the candidates for the office of Councilmember, District No. 1, in the General Municipal Election.

D. FOR COUNCIL DISTRICT NO. 3 (four-year term)

TONI ATKINS	16,273
JOHN HARTLEY	8,746
GONZALO GARCIA	1,898

TONI ATKINS having received a majority of all votes cast is hereby declared elected to the office of Councilmember, District No. 3.

E. FOR COUNCIL DISTRICT NO. 5 (four-year term)

BRIAN MAIENSCHIN	33,024
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BRIAN MAIENSCHIN having received a majority of all votes cast is hereby declared elected to the office of Councilmember, District No. 5.

F. FOR COUNCIL DISTRICT NO. 7 (four-year term)

JIM MADAFFER	20,977
IRENE STALLARD-RODRIGUEZ	9,659

JIM MADAFFER having received a majority of all votes cast is hereby declared elected to the office of Councilmember, District No. 7.

III

The number of votes cast in the City for and against each of the two propositions which appeared on the ballot as Propositions B and C, and the total number of votes cast upon that proposition, are as follows:

PROPOSITION B

For	111,008
Against	110,474
TOTAL	221,482

Proposition B received the affirmative vote of a majority of the qualified voters voting on such proposition and is hereby declared to have been approved.

PROPOSITION C

For	152,027
Against	94,140
TOTAL	246,167

Proposition C did not receive the affirmative vote of a two-thirds majority of the qualified voters voting on such proposition and is hereby declared to have failed.

IV

The number of votes cast in each precinct for and against the proposition is recorded in the Election Returns Book, which book is a part of the records of this Council.

V

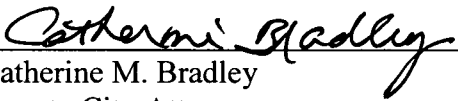
The City Clerk is directed to file the charter amendment adding Section 94.4 relating to construction manager at risk contracts (Proposition B) with the Secretary of State in accordance with Government Code section 34460.

VI

The City Clerk shall make public the results of the canvass of the special municipal election by publication of a copy of this resolution.

APPROVED: CASEY GWINN, City Attorney

By


Catherine M. Bradley
Deputy City Attorney

CMB:jab
04/12/2004
Or.Dept: Clerk
R-2004-1040