

RESOLUTION NUMBER R- 299613

ADOPTED ON SEP 07 2004

A RESOLUTION REQUESTING THE REGISTRAR OF VOTERS OF THE COUNTY OF SAN DIEGO TO PERFORM CERTAIN ELECTION SERVICES FOR A SPECIAL ELECTION, AND A SPECIAL RUN-OFF ELECTION, IN COUNCIL DISTRICT 4.

WHEREAS, by Ordinance No. O- 19316 (N.S.), adopted on September 7, 2004, the Council of the City of San Diego called a special election to be held in Council District 4 on Tuesday, November 16, 2004, and a special run-off election on Tuesday, January 4, 2005, for the purpose of filling a vacancy in the office of Council District 4 for the remainder of the term, such term to expire on December 4, 2006; and

WHEREAS, if one candidate receives the majority of votes cast for all candidates in the special election, the candidate receiving the majority of votes cast shall be deemed to be and declared by the City Council to be elected to the vacant office; and

WHEREAS, if no candidate receives a majority of votes cast in the special election, a special run-off election shall be held within forty-nine days of the first special election, unless there is a regular municipal or statewide election scheduled to be held within ninety days of the proposed special run-off election date; and

WHEREAS, it is deemed to be economical and in the public interest to have the Registrar of Voters of the County of San Diego perform for the City of San Diego certain services in regard to said elections; NOW, THEREFORE,

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

That the Board of Supervisors of the County of San Diego is hereby requested to authorize and direct the Registrar of Voters of the County of San Diego to perform, to the extent possible, the following services in coordination with an independent consultant retained by the City, under the direction and supervision of the City Clerk of the City of San Diego, in connection with the special election on Tuesday, November 16, 2004, and if necessary, the special run-off election on Tuesday, January 4, 2005, in Council District 4:

1. Furnish a tabulation of the number of registered voters in Council District 4 by precinct;

2. Examine and verify the signatures of nominating petitions;

3. Establish voting precincts with polling places in number consistent with the structure that resulted in the same number of polling places, more or less, for Council District 4 in the 2002 Municipal Primary Election, and establish additional polling places as may be required to accommodate population changes since 2002;

4. Negotiate and secure the locations for polling places and secure the services of three (3) persons for each precinct to serve as members of the various precinct boards and furnish a list of same for filing in the Office of the City Clerk;

5. Prepare and furnish for each election three (3) copies of the Index to the Great Register, together with supplements thereto;

6. Cause to be printed the requisite number of sample ballots, official ballots, polling place slips, rosters, tally books, and other necessary forms;

7. Furnish and address for each election the voter pamphlets necessary to mail sample ballots to the registered voters of Council District 4;

8. Assemble the sample ballots and other printed matter into voter pamphlets for mailing, and cause the same to be mailed, as required by law;

9. Assemble the election materials and supplies into ballot bags for delivery to the various precincts;
10. Issue absentee voter ballots as prescribed by the City Clerk;
11. Make all necessary arrangements for the delivery and pickup of polling place supplies and booths, and for the delivery of the ballot bags for the various precincts;
12. Make arrangements for answering the telephone at the Registrar of Voters' office between 6:30 a.m. and 8:00 a.m., and after 5:00 p.m. on the date of the elections;
13. Receive the returns of the elections and supplies, and arrange for the issuance of bulletins of the returns of each election on the night of the elections;
14. Sort and assemble the election materials and supplies in preparation for the canvassing of the returns of the elections;
15. Canvass the returns of the elections, including absentee voter ballots;
16. Furnish a tabulation of the number of votes given in Council District 4 by precinct;
17. Make all arrangements and take the necessary steps to pay the members of the Precinct Boards, the Polling Place rentals, and the persons returning the ballot bags; and
18. Perform any other services as the City Clerk deems necessary in connection with the elections.

BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of San Diego be and is hereby requested to authorize and direct the Auditor and Controller of the County of San Diego to assist the Registrar of Voters of the County of San Diego in the conduct of the work by the drawing of the warrants for the payment of the members of the Precinct Boards, the Polling Place rentals, and the persons returning the ballot bags, in accordance with the rates of compensation specified by the ordinances of the City of San Diego calling said elections.

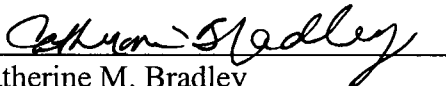
BE IT FURTHER RESOLVED, that the City Auditor and Controller is authorized to reimburse the County of San Diego in full for the services performed by the Registrar of Voters for the City of San Diego in connection with the election services herein described, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized and directed to make payments to the Registrar of Voters in compliance with the Board of Supervisors' advance payment policy and the Registrar of Voters' schedule for progress payments.

BE IT FURTHER RESOLVED, that the City of San Diego agrees to indemnify and to save free and harmless the County of San Diego, its officers, agents, and employees from expense or liability, including reasonable attorneys fees, as the result of an election contest initiated pursuant to the California Elections Code sections 16000 through 16900.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is authorized, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

APPROVED: CASEY GWINN, City Attorney

By   
Catherine M. Bradley  
Deputy City Attorney

CMB:jab  
08/26/2004  
09/10/2004REV.  
Or.Dept: Clerk  
Aud.Cert: 2500154  
R-2005-216

**The City of San Diego  
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

**CERTIFICATE OF UNALLOTTED BALANCE**

REVISED  
AC 2500154

ORIGINATING

DEPT. NO.: 601

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \_\_\_\_\_ Fund: \_\_\_\_\_

Purpose: \_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$560,000.00

Vendor: Registrar of Voters

Purpose: Authorizing the expenditure of funds for the Special Election of a Councilmember for Council District 4, in an amount not to exceed \$560,000.

Date: August 23, 2004 By: \_\_\_\_\_

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	100	601	2350	4222	2350				\$560,000.00
TOTAL AMOUNT										\$560,000.00

FUND OVERRIDE

AC 2500154  
REVISED

R-299613

SEP 07 2004