

ORDINANCE NUMBER O-19378 (New Series)

ADOPTED ON MAY 17 2005

AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON July 26, 2005 ONE PROPOSITION REGARDING WHETHER OR NOT THE CITY SHALL DONATE TO THE UNITED STATES ALL OF THE CITY'S RIGHTS, TITLE, AND INTEREST IN THE MT. SOLEDAD VETERANS MEMORIAL PROPERTY

WHEREAS, on May 17, 2005, the City Council considered a referendary petition on the matter of Resolution No. R-300207, which declined the offer of the United States government to accept title to the Mt. Soledad Veteran's Memorial property in order to use the property as a national memorial honoring veterans of the United States Armed Forces; and

WHEREAS, upon considering the referendary petition, the City Council determined that the submitting the question of repealing Resolution No. R-300207 to the voters would not resolve the issue of whether the City should accept or decline the federal government's offer, and further determined that a clear and unambiguous Council-sponsored proposition on the subject of the Mt. Soledad Veteran's Memorial would be a more appropriate manner of ascertaining the will of the people with regard to the federal government's offer; and

WHEREAS, for the reasons set forth above, the City Council desires to submit to the voters at a Municipal Special Election one proposition on the subject of whether or

not the City shall donate to the United States all of the City's rights, title, and interest in the Mt. Soledad Veterans Memorial property; and

WHEREAS, by Ordinance No. O- 19739, adopted on May 17, 2005, the Council of the City of San Diego called a Municipal Special Election to be held on July 26, 2005, for the purpose of submitting to the qualified voters of the City one or more ballot propositions; NOW, THEREFORE,

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

Section 1. One proposition is hereby submitted to the qualified voters of the City at a Municipal Special Election to be held on July 26, 2005 to read as follows:

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**PROPOSITION**

**Mount Soledad Natural Park**

Shall the City of San Diego donate to the federal government all of the City's rights, title, and interest in the Mt. Soledad Veterans Memorial property for the federal government's use of the property as a national memorial honoring veterans of the United States Armed Forces?

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

<p><b>PROPOSITION ____ . ACCEPTING THE OFFER OF THE FEDERAL GOVERNMENT TO ACCEPT TITLE TO THE MT. SOLEDAD VETERANS MEMORIAL PROPERTY.</b></p>	<p>YES</p>	
<p>Shall the City of San Diego donate to the federal government all of the City's rights, title, and interest in the Mt. Soledad Veterans Memorial property for the federal government's use of the property as a national memorial honoring veterans of the United States Armed Forces?</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 Municipal Special Election.

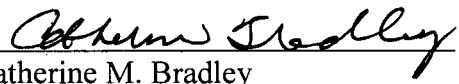
Section 6. The City Clerk shall cause this ordinance or a digest of this ordinance to be published once in the official newspaper following this ordinance's adoption by the City Council.

Section 7. Pursuant to San Diego Municipal Code 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. 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 of the specific dates that the examination period will run.

Section 8. 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 9. Pursuant to section 17 of the San Diego City Charter, this ordinance relating to elections shall take effect on May 17, 2005 which is the day of its introduction and passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Catherine M. Bradley  
Deputy City Attorney

CMB:jab  
05/13/2005  
Or.Dept:Clerk  
O-2005-130