

RESOLUTION NUMBER R- 300365

ADOPTED ON MAY 02 2005

A RESOLUTION REQUESTING THAT THE SAN DIEGO COUNTY REGISTRAR OF VOTERS CONDUCT A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF SAN DIEGO ON JULY 26, 2005, TO FILL MAYORAL VACANCY.

WHEREAS, Section 24 of the Charter of the City of San Diego provides that in the event of a vacancy occurring in the office of the Mayor, existing by reason of any cause, the Council shall have authority to fill such vacancy, provided, however, that if the Council shall fail to fill such vacancy by appointment within thirty days after the vacancy, the Council must immediately cause an election to be held to fill such vacancy; and

WHEREAS, San Diego Municipal Code section 27.0705(a) provides that as soon as it is known that there will be a vacancy in the office of the Mayor, the presiding officer of the City Council shall, at the next regularly scheduled City Council meeting, or at a special meeting called for that purpose, consider the question of whether the vacancy shall be filled by appointment or special election; and

WHEREAS, on April 27, 2005, Mayor Dick Murphy submitted a letter of resignation effective July 15, 2005, and it is known that a vacancy will occur in the office of the Mayor; and

WHEREAS, at a meeting on May 2, 2005, the City Council considered whether to fill the vacancy by appointment or special election and adopted Ordinance No. O- 19368 (N.S.), calling a Special Municipal Election in the City of San Diego on July 26, 2005, to fill the Mayoral vacancy; and

WHEREAS, it is desirable that the Registrar of Voters of the County of San Diego be authorized to conduct the Special Municipal Election and canvass the returns; NOW, THEREFORE,

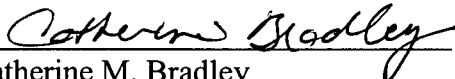
BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the Registrar of Voters is hereby authorized to conduct the election and canvass the returns of the Special Municipal Election to be held on July 26, 2005, in the City of San Diego.
2. That the Registrar of Voters is requested to issue to all officers of the County charged with duties pertaining to the California State General Election appropriate instructions to take any and all steps necessary for the holding of the election.
3. 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 the following:
 - (a) Furnish a tabulation of the number of registered voters in each Council district by precinct;
 - (b) Examine and verify the signatures on nominating petitions;
 - (c) Canvass the returns of the election, including absent voter ballots;
 - (d) Furnish a tabulation of the number of votes given in each precinct; and
 - (e) Furnish a tabulation of the number of votes given in each Council district by precinct.
4. That the City Clerk of the City of San Diego is hereby directed to file a certified copy of this resolution with the Board of Supervisors and Registrar of Voters of the County of San Diego.

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 of San Diego agrees to indemnify and to save free and harmless the County, its officers, agents, and employees from expense or liability, including reasonable attorney's fees, as the result of an election contest initiated pursuant to the California Elections Code sections 16000 through 16900.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Catherine M. Bradley
Deputy City Attorney

CMB:jab
04/28/2005
05/05/2005REV.
Or.Dept: Clerk
R-2005-1128