

RESOLUTION NUMBER R- 300731

ADOPTED ON AUG 01 2005

A RESOLUTION REQUESTING THE CONSOLIDATION OF A MUNICIPAL SPECIAL ELECTION TO BE HELD IN THE CITY OF SAN DIEGO ON TUESDAY, NOVEMBER 8, 2005, TO FILL VACANCIES IN COUNCIL DISTRICTS 2 AND 8, WITH THE CALIFORNIA STATE SPECIAL ELECTION TO BE HELD ON THE SAME DATE.

WHEREAS, Councilmembers Michael Zucchet and Ralph Inzunza, holding the office of Council Member for Districts 2 and 8, respectively, resigned from their offices effective July 25, 2005; and

WHEREAS, Section 12 of the Charter of the City of San Diego provides that if a vacancy occurs in the office of a Council District for any reason other than a successful recall election and the vacancy occurs with more than one year remaining in the term, the City Council shall call a special election to be held within ninety days of the vacancy, unless there is a regular municipal or statewide election scheduled to be held within 180 days of the vacancy, in which case the City Council may consolidate the special election with that regular election; and

WHEREAS, the Governor of California has called a special statewide election for November 8, 2005; and

WHEREAS, the City Council has ordered that the special run-off election to fill the mayoral vacancy on November 8, 2005, be consolidated with the special statewide election on that same date; and

WHEREAS, at a meeting on August 1, 2005, the City Council adopted Ordinance No. O-19404 (N.S.), calling a Municipal Special Election in the City of San Diego on Tuesday, November 8, 2005, to fill the vacancies in Council Districts 2 and 8; and

WHEREAS, it is desirable that this Municipal Special Election be consolidated with the California State Special Election to be held on the same date; NOW, THEREFORE,

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

1. The Board of Supervisors of the County of San Diego is hereby requested to consolidate the Municipal Special Election for the purpose of electing candidates for the office of Council Member for Districts 2 and 8, to be held in the City of San Diego on November 8, 2005, with the California State Special Election to be held on the same date.

2. That the Registrar of Voters is hereby authorized to canvass the returns of the Municipal Special Election and is requested to conduct the election in all respects as if there were only one election using only one form of ballot.

3. That the Registrar of Voters is requested to issue to all officers of the County charged with duties pertaining to the California State Special Election appropriate instructions to take any and all steps necessary for the holding of a consolidated election.

4. 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 Council Districts 2 and 8 by precinct;
- (b) Examine and verify the signatures on nominating petitions;
- (c) Provide minority language election materials in accordance with federal law;

- (d) Canvass the returns of the election, including absent voter ballots;
- (e) Furnish a tabulation of the number of votes given in each precinct;
- (f) Furnish a tabulation of the number of votes given in each Council district by precinct; and
- (g) Complete any and all tasks related to the legal conduct of this election as required of the City Clerk upon the request of the City Clerk or the San Diego City Council.

5. Because the County Registrar of Voters is authorized to canvass the returns of this Municipal Special Election, the method of voting shall be as provided in the California Elections Code.

6. 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 for the actual and direct cost of 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*
Catherine M. Bradley
Deputy City Attorney

CMB:jab
07/28/2005
Or.Dept: Clerk
R-2006-102