

RESOLUTION NUMBER R- 300876

ADOPTED ON SEP 26 2005

A RESOLUTION REQUESTING THE SAN DIEGO COUNTY REGISTRAR OF VOTERS TO CONDUCT A MUNICIPAL SPECIAL RUN-OFF ELECTION IN THE CITY OF SAN DIEGO, ON TUESDAY, JANUARY 10, 2006, TO FILL VACANCIES IN COUNCIL DISTRICTS 2 AND 8.

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, on August 1, 2005, the City Council called a special election for November 8, 2005, for the purpose of electing candidates to fill the vacancy of Council Member for District 2 and District 8, and ordered that such election be consolidated with the special statewide election on that same date; and

WHEREAS, Section 12 of the Charter provides that if one candidate receives the majority of votes cast at the November 8, 2005, special election, the candidate shall be deemed to be and declared by the Council to be elected to the vacant office. However, if no candidate

receives a majority of the votes cast, a special run-off election between the two candidates receiving the highest number of votes shall be held within 49 calendar days of the first election; and;

WHEREAS, the special run-off election cannot be conducted within 49 calendar days of the first election because of various time constraints imposed by California elections law with respect to certification of the votes in the first election, absentee balloting, and restrictions against holding elections on the day after a holiday; and

WHEREAS, at a meeting on SEP 26 2005, the City Council adopted Ordinance No. O- 19416 (N.S.), calling a Municipal Special Run-off Election in the City of San Diego on Tuesday, January 10, 2006; NOW, THEREFORE,

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

1. That the Registrar of Voters of the County of San Diego is hereby requested to provide services relating to the conduct of the Municipal Special Run-off Election for the office of Council Member for District 2 and 8, to be held in the City of San Diego on January 10, 2006, in coordination with the San Diego City Clerk.
2. That the Registrar of Voters is hereby authorized to canvass the returns of the Municipal Special Run-off Election.
3. For the purpose of said election, the election precincts, polling places, and officers of the election shall be as established by the Registrar of Voters of the County of San Diego, in consultation with the San Diego City Clerk.
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 each Council district 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; and
- (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 upon the request of the City Clerk or the 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. The polls for this Municipal Special Run-off Election shall be open from 7:00 a.m. (local time) on January 10, 2006, and remain open continuously until 8:00 p.m. (local time) on the same day. The polls shall close at 8:00 p.m., except as provided in California Elections Code section 14401.

7. 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
09/19/2005
Or.Dept: Clerk
Aud.Cert: 2600215
R-2006-252

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2600215

ORIGINATING

DEPT. NO.: 035

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: \$525,000.00 Fund: 100/601

Purpose: Authorizing the expenditure for election contract services for the Special Run-off Elections for Councilmembers in Districts 2 and 8.

Date: September 16, 2005 By: Leonard J. Alvarado
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	002350				\$525,000.00
TOTAL AMOUNT										\$525,000.00

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: _____

Vendor: _____

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

AC 2600215