

(R-2008-640)
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RESOLUTION NUMBER R- 303371

DATE OF FINAL PASSAGE FEB 0 4 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO REQUESTING THE CONSOLIDATION OF A MUNICIPAL SPECIAL ELECTION TO BE HELD IN THE CITY OF SAN DIEGO ON JUNE 3, 2008 WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THE SAME DATE.

WHEREAS, pursuant to Section 223 of the Charter of the City of San Diego, Section 3(b) of Article XI of the Constitution of the State of California, and Section 9255(a)(2) of the California Elections Code, all dealing with Charter Amendments; and, pursuant to Section 23 of the Charter of the City of San Diego and Section 27.1001 of the San Diego Municipal Code pertaining to initiative measures submitted by petition or by action of the City Council, the Council of the City of San Diego by separate ordinances may submit to the qualified voters of the City one or more ballot propositions at a Municipal Special Election; and

WHEREAS, at a meeting on FEB 0 4 2008, the City Council passed Ordinance No. O- 19713 (N.S.), calling a Municipal Special Election in the City of San Diego on Tuesday, June 3, 2008; and

WHEREAS, the Statewide Primary Election will be held on Tuesday, June 3, 2008; and

WHEREAS, it is desirable that this Municipal Special Election be consolidated with the Statewide Primary Election to be held on the same date and that within the City of San Diego the election precincts, polling places, voting booths, and election officials for the two elections be the same; and

WHEREAS, it is desirable that the Board of Supervisors of the County of San Diego be authorized to canvass the returns of the Municipal Special Election; and

WHEREAS, it is desirable that this election and the Statewide Primary Election be held in all respects as if there were only one election;

WHEREAS, the City Council's proposal, on its own motion, of a charter amendment is governed by California Constitution, article XI, section 3(b), California Elections Code section 9255(a)(2), and California Government Code section 34458, and is not subject to veto by the Mayor; 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 to be held in the City of San Diego on June 3, 2008 with the Statewide Primary Election to be held on the same date.
2. That the Board of Supervisors of the County of San Diego 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 Board of Supervisors of the County of San Diego is requested to issue to all officers of the County charged with duties pertaining to the Statewide Primary 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 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.
- (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 City Council.

5. 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.

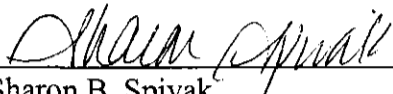
BE IT FURTHER RESOLVED, that the City Auditor and Controller is authorized to reimburse the County of San Diego for the actual and direct cost of the services performed by the Registrar of Voters for the City of San Diego in connection with the election services herein described, provided that the City 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,

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including reasonable attorney 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 
Sharon B. Spivak
Deputy City Attorney

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01/30/2008
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Or.Dept:City Clerk
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