

RESOLUTION NUMBER R- 303925

DATE OF FINAL PASSAGE JUL 15 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 NOVEMBER 4, 2008 WITH THE STATEWIDE GENERAL 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 JUL 15 2008, the City Council passed Ordinance No. O- 19770 (N.S.), calling a Municipal Special Election in the City of San Diego on Tuesday, November 4, 2008; and

WHEREAS, the Statewide General Election will be held on Tuesday, November 4, 2008; and

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

WHEREAS, requesting the San Diego County Board of Supervisors to consolidate the Municipal General Election with the Statewide General Election is under the purview of the governing body under state elections law governing consolidation of elections, and, therefore, 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 November 4, 2008 with the Statewide General Election to be held on the same date.

2. 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. 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 General Election appropriate instructions to take any and all steps necessary for the holding of a consolidated election.

4. 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;
- (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. 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 Comptroller is authorized to reimburse the County of San Diego for the actual and direct cost of the services performed for the City of San Diego by the Registrar of Voters 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.

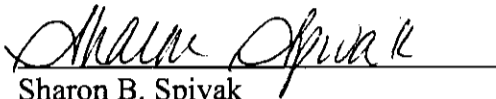
BE IT FURTHER RESOLVED, that the City of San Diego agrees to indemnify and to save free and harmless the County, its officers, agents, and employees from expense or liability,

(R-2008-1188)

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

  
Sharon B. Spivak  
Deputy City Attorney

SBS:als  
06/23/2008  
Aud.Cert.: AC 2900002  
Or.Dept:City Clerk  
R-2008-1188

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

**CERTIFICATE OF UNALLOTTED BALANCE**  
ORIGINATING

AC 2900002  
 DEPT. NO. 601

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: \$2,700,000.00 Fund: 100

Purpose: Authorize the expenditure up to \$2.7 million in associated costs for administration of the municipal general election for city attorney, council members in districts 1, 3, and 7, plus anticipated propositions to be placed on the ballot.

Date: June 25, 2008 By: Jessica Olson *Jessica Olson*

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					\$2,700,000.00
TOTAL AMOUNT											\$2,700,000.00

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: \_\_\_\_\_

ACCOUNTING DATA											
ACCTG LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/	EQUIP	FACILITY	AMOUNT
TOTAL											

AC-361 (REV 2-92)

FUND OVERRIDE

AC 2900002

R 303925

JUL 15 2008