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ORDINANCE NUMBER O- **19926** (NEW SERIES)

DATE OF FINAL PASSAGE FEB 01 2010

AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO AT THE MUNICIPAL SPECIAL ELECTION CONSOLIDATED WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON JUNE 8, 2010, ONE PROPOSITION AMENDING THE CITY CHARTER BY AMENDING ARTICLE VIII, BY AMENDING SECTION 120 TO PROVIDE FOR A CHANGE TO THE LIMITATIONS AND CREDITS FOR VETERANS PREFERENCE POINTS PROVIDED UNDER THE CIVIL SERVICE SYSTEM.

WHEREAS, pursuant to California Constitution, article XI, section 3(b), California Elections Code section 9255(a)(2), and San Diego City Charter section 223, the City Council has authority to place Charter amendments on the ballot to be considered at a Municipal Election; and

WHEREAS, by Ordinance No. O-**19926** adopted on February 1, 2010, the Council of the City of San Diego is calling a Municipal Special Election to be consolidated with the Statewide Primary Election on June 8, 2010, for the purpose of submitting to the qualified voters of the City one or more ballot propositions; and

WHEREAS, Charter section 120 provides that in all original Civil Service examinations certain veterans shall receive veterans preference points upon their first employment with the City after their honorable discharge from active duty service; and

WHEREAS, Charter section 120 currently provides that only veterans who served during a period in which a Federal Act of conscription was in effect are eligible to receive veterans preference points; and

WHEREAS, the last Federal Act of Conscription ended June 30, 1973; and

WHEREAS, the language of Charter section 120 precludes veterans who have served on active duty subsequent to the end of the last Federal Act of Conscription from eligibility for veterans preference points; and

WHEREAS, this amendment would extend eligibility to veterans who have served in any branch of the United States Armed Forces during any war, major military action or peacekeeping mission; and

WHEREAS, this amendment would provide an additional five percent credit to any qualifying veteran or the spouse of any qualifying veteran who has a service-related disability of at least fifteen percent; and

WHEREAS, this amendment would clarify that veterans preference points shall not be granted in any promotional examination; NOW, THEREFORE,

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

Section 1. That one proposition amending the City Charter by amending Article VIII, by amending section 120, is hereby submitted to the qualified voters at the Municipal Special Election to be held on June 8, 2010, with the proposition to read as follows:

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**PROPOSITION**

ARTICLE VIII

CIVIL SERVICE

**Section 120: Limitations and Credits.**

No question in any test shall relate to race, or to political or religious opinions, affiliations or service, and no appointment, transfer, layoff, promotion, reduction,

suspension or removal shall be affected or influenced by race or such opinions, affiliations or service. In all original examinations, the Civil Service Commission shall in addition to all other credits, give a credit of five per cent of the total credits specified for such examinations to all those who have attained a passing grade in the examination and who have served in any branch of the United States Armed Forces during any war, major military action, or peacekeeping mission period of time in which a Federal act of conscription was in effect and who have been honorably discharged from active service, ~~provided that~~ This credit is granted to each applicant only upon the first employment after discharge from service, and is not granted to applicants retired from the service on full pensions. This credit shall not be granted in any promotional examination. The spouse of any veteran who, while in such service, was physically or mentally incapacitated so as to prevent employment in any remunerative occupation, and also the surviving spouse of any veteran killed or who died while in such service, shall receive a credit of five per cent upon the first employment after such veteran's discharge or death. An additional five per cent credit, or a total of ten per cent credit shall be awarded to any veteran or the spouse of any veteran who meets the above criteria and has a service related disability of at least fifteen per cent which has been duly established by Federal law.

**END OF PROPOSITION**

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Section 2. The proposition shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in Section 3 of this ordinance.

Section 3. On the ballot to be used at this Municipal Election, in addition to any other matters required by law, there shall be printed substantially the following:

<p><b>PROPOSITION ____ . AMENDS THE CITY CHARTER RELATING TO LIMITATIONS AND CREDITS FOR VETERANS' PREFERENCE POINTS.</b>          Shall the Charter be amended to extend eligibility for veterans' preference points in any original Civil Service examination to veterans who have served in the United States Armed Forces during any war, major military action or peacekeeping mission, and to provide an additional five percent credit for any veteran or the spouse of any veteran who has a qualifying service-related disability?.</p>	YES	
	NO	

Section 4. An appropriate mark placed in the voting square after the word "Yes" shall be counted in favor of the adoption of this proposition. An appropriate mark placed in the voting square after the word "No" shall be counted against the adoption of the proposition.

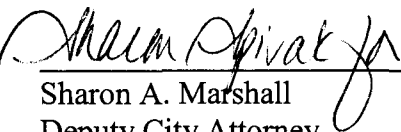
Section 5. Passage of this proposition requires the affirmative vote of a majority of those qualified electors voting on the matter at the Municipal Special Election.

Section 6. The City Clerk shall cause this ordinance or a digest of this ordinance to be published once in the official newspaper following this ordinance's adoption by the City Council.

Section 7. Pursuant to San Diego Municipal Code section 27.0402, this measure will be available for public examination for no fewer than ten calendar days prior to being submitted for printing in the sample ballot. During the examination period, any voter registered in the City may seek a writ of mandate or an injunction requiring any or all of the measure to be amended or deleted. The examination period will end on the day that is 75 days prior to the date set for the election. The Clerk shall post notice of the specific dates that the examination period will run.

Section 8. Pursuant to sections 275(c), 295(b) and 295(d) of the Charter of the City of San Diego, this ordinance relating to elections may be passed by the City Council on the date of introduction, which date shall be deemed the date of final passage, and is not subject to veto by the Mayor.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Sharon A. Marshall  
Deputy City Attorney

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