

RESOLUTION NUMBER R- 305947

DATE OF FINAL PASSAGE JUN 28 2010

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 2, 2010 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 June 28, 2010, the City Council passed Ordinance No. O-19965 (N.S.), calling a Municipal Special Election in the City of San Diego on Tuesday, November 2, 2010; and

WHEREAS, the Statewide General Election will be held on Tuesday, November 2, 2010; 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 election and the Statewide General Election be held in all respects as if there were only one election; and

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 November 2, 2010 with the Statewide General 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 General 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;

 - 305947

- (b) Examine and verify the signatures on nominating petitions;
- (c) Provide election materials in languages other than English 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 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.

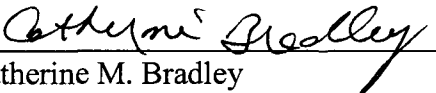
BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to transfer appropriations of \$1.2 million from the General Fund – Appropriated Reserve, Fund 100000, 9915, to Citywide Departmental Expenses, Fund 100000, 9912 for the purpose of funding the proposed ballot measures in Fiscal Year 2011, contingent upon the approval of the Fiscal Year 2011 Appropriation Ordinance and contingent upon the final number of ballot measures approved by City Council.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to expend up to \$1.2 million in associated costs from Fund 100000, Citywide Departmental Expenses - 9912 for administration of the specified election, including reimbursing 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, contingent upon approval of the Fiscal Year 2011 Appropriation Ordinance, and provided that the City 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 fees, as the result of an election contest initiated pursuant to California Elections Code sections 16000 through 16900.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Catherine M. Bradley  
Chief Deputy City Attorney

SBS:CMB:jdf:sc  
06/09/2010  
06/28/2010 REV.  
CC: 3000003372  
Or.Dept:City Clerk

The City of San Diego  
**COMPTROLLER'S CERTIFICATE**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING CC 3000003372  
 DEPT NO 9912001111

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: \$1,200,000.00 Fund: 100000

Purpose: Calling a Municipal Special Election in the City of San Diego on November 2, 2010 for the purpose of submitting to the qualified voters of the City of San Diego one or more ballot propositions and consolidating said Municipal Special Election with the statewide General Election to be held on the same day.

Date: June 18, 2010

By: Jessica Olson  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
001	10000				512059		9912001111		\$1,200,000.00
TOTAL AMOUNT									\$1,200,000.00

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: \_\_\_\_\_  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
TOTAL AMOUNT									

FUND OVERRIDE

CC 3000003372

R 305947

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