

RESOLUTION NUMBER R- 307029

DATE OF FINAL PASSAGE OCT 3 2011

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING AN INTENTION TO SUBMIT TO THE VOTERS AN INITIATIVE MEASURE TITLED THE "FAIR AND OPEN COMPETITION IN CONSTRUCTION ORDINANCE" AND DIRECTING THE CITY ATTORNEY TO PREPARE AN ORDINANCE CALLING A SPECIAL ELECTION TO PLACE THE MEASURE ON THE BALLOT.

WHEREAS, on September 2, 2011, proponents timely filed with the City Clerk's Office an initiative petition titled the "Fair and Open Competition in Construction Ordinance" that would amend the San Diego Municipal Code (Municipal Code); and

WHEREAS, the San Diego County Registrar of Voters conducted a legally required verification of three percent of the submitted petition signatures selected at random, and found the initiative petition to contain the valid signatures of more than 10 percent of the City's registered voters, sufficient to qualify the measure for direct submission to the voters; and

WHEREAS, in compliance with Municipal Code sections 27.1026 and 27.1027, the San Diego City Clerk presented the petition and a certification of the sufficiency of its signatures to the City Council at its meeting on September 27, 2011; and

WHEREAS, in compliance with section 23 of the San Diego City Charter and sections 27.1034 and 27.1035 of the Municipal Code, the City Council shall, within ten business days of the date of the Clerk's presentation, adopt or reject the legislative act as presented, but may not amend it; and

WHEREAS, if the City Council does not adopt the legislative act, the Council shall:

- (1) adopt a resolution of intention to submit the matter to the voters at a special election, and
- (2) direct the City Attorney to prepare an ordinance calling a special election to place the matter on the ballot; and

WHEREAS, the special election for an initiated legislative act may be consolidated with the next Citywide Primary Election or Citywide General Election at which the matter can be placed on the ballot, or a separate special election may be called for the purpose of voting on the matter; and

WHEREAS, Charter section 23 requires that the City Council shall include in its election code ordinance “an expeditious and complete procedure for the exercise by the people of the initiative” and thus intends for the process to be expeditious; and

WHEREAS, the City Council has decided not to adopt the legislative act, but to submit to the electorate, at a special election to be held at the same time as the next Citywide Primary Election in June 2012, a proposition titled the “Fair and Open Competition in Construction Ordinance”; and


WHEREAS, pursuant to Charter section 295(b), the Council’s resolution of intention related to matters to submit to City voters at a Municipal Special Election is not subject to veto by the Mayor, and thus the date of its passage by the Council shall be deemed the date of its final passage; NOW, THEREFORE,

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

1. That the Council declares its intention to submit the “Fair and Open Competition in Construction Ordinance” to the voters at a special election to be held at the same time as the next Citywide Primary Election; and

2. That the Council directs the City Attorney to prepare an ordinance calling a special election to place the matter on the ballot, and intends to consolidate this election with the next Citywide Primary Election in June 2012.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 

Sharon B. Spivak
Deputy City Attorney

SBS:jdf
09/27/11
Or.Dept:City Clerk
Document No.: 253138

Passed by the Council of The City of San Diego on OCT 3 2011, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|-----------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Sherri Lightner | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Kevin Faulconer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Todd Gloria | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Anthony Young | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Carl DeMaio | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lorie Zapf | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marti Emerald | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| David Alvarez | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage OCT 3 2011.

AUTHENTICATED BY:

JERRY SANDERS
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By *Devenson-Cruz* Deputy

Office of the City Clerk, San Diego, California

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