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12/05

RESOLUTION NUMBER R- 307155

DATE OF FINAL PASSAGE DEC 05 2011

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING AN INTENTION TO SUBMIT TO THE VOTERS A CHARTER AMENDMENT MEASURE TITLED "AMENDMENTS TO THE SAN DIEGO CITY CHARTER AFFECTING RETIREMENT BENEFITS" AND DIRECTING THE CITY ATTORNEY TO PREPARE AN ORDINANCE CALLING A SPECIAL ELECTION TO PLACE THE MEASURE ON THE BALLOT.

WHEREAS, on September 30, 2011, proponents timely filed with the City Clerk's Office a Charter amendment petition pertaining to retirement benefits, titled "Amendments to the San Diego City Charter Affecting Retirement Benefits"; and

WHEREAS, California Elections Code section 9255 states that a proposal to amend or repeal a City Charter must be signed by 15 percent of the registered voters of the City in order to be submitted to the voters for consideration; and

WHEREAS, on November 8, 2011, the San Diego County Registrar of Voters (Registrar) completed its verification of the petition signatures, and formally certified that the petitions contain the valid signatures of over 15 percent of the City's registered voters, according to the Registrar's last official report of registration to the Secretary of State; and

WHEREAS, the San Diego City Clerk has presented the petition and a certification of the sufficiency of its signatures to the City Council; and

WHEREAS, California Elections Code section 9255 requires the City Council to place a qualified Charter amendment petition on the ballot, stating that "... city or city and county charter proposals shall be submitted to the voters at either a special election called for that purpose, at any established municipal election date, or at any established election date. . . provided that there are at least 88 days before the election . . ."; and

WHEREAS, the Council now confirms it will place the matter on the ballot by taking action to: (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 a Charter amendment petition may be consolidated with the next Citywide Primary Election; and

WHEREAS, the Council will hold another hearing to call the June 5, 2012 primary election, and at that time will be asked to adopt an ordinance to place this Charter amendment petition on that ballot; and

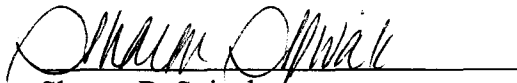
WHEREAS, Charter amendments are governed by the California Constitution, article XI, section 3, and California Elections Code section 9255, and this resolution of intention to submit a Charter amendment measure to the voters is thus not subject to veto by the Mayor; NOW, THEREFORE,

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

1. That the Council declares its intention to submit the Charter amendment petition titled "Amendments to the San Diego City Charter Affecting Retirement Benefits" to the voters at a special election to be held at the same time as the next Citywide Primary Election on June 5, 2012; 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 to consolidate this election with the next Citywide Primary Election on June 5, 2012.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Sharon B. Spivak
Deputy City Attorney

SBS:jdf
11/17/11
Or.Dept:City Clerk
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