

RESOLUTION NUMBER R- 307570

DATE OF FINAL PASSAGE JUL 10 2012

A RESOLUTION DECLARING THE RESULTS OF THE MUNICIPAL PRIMARY ELECTION AND THE MUNICIPAL SPECIAL ELECTION HELD IN THE CITY OF SAN DIEGO ON JUNE 5, 2012.

WHEREAS, a Municipal Primary Election was held in the City of San Diego on Tuesday, June 5, 2012, pursuant to the provisions of Ordinance No. O-20124 (New Series), introduced and adopted on January 30, 2012, for the purpose of electing candidates to the offices of Mayor, City Attorney, and Councilmember for Districts 1, 3, 5, 7, and 9, respectively; and

WHEREAS, a Municipal Special Election was held in the City of San Diego on Tuesday, June 5, 2012, pursuant to the provisions of Ordinance No. O-20125 (New Series), introduced and adopted on January 30, 2012, for the purpose of submitting to the qualified voters of the City of San Diego two ballot propositions, described as follows:

- 1) One proposition regarding whether to amend the San Diego Municipal Code to prohibit the City from requiring contractors to use Project Labor Agreements for City construction projects, except where required by law, and to require the Mayor to post online all construction contracts over \$25,000 (Proposition A); and
- 2) One proposition regarding whether to amend the San Diego City Charter regarding retirement benefits (Proposition B); and

WHEREAS, the propositions, as stated in the ordinances placing them on the ballot, are:

|   |            |  |
|---|------------|--|
| <b>PROP A. Prohibits the City from Requiring Project Labor Agreements on City Construction Projects.</b><br>Should the City of San Diego be prohibited from requiring contractors to use Project Labor Agreements for City construction projects, except where required by law, and should the Mayor be required to post online all construction contracts over \$25,000?   | <b>YES</b> |  |
|   | <b>NO</b>  |  |
| <b>PROP B. Amends City Charter Regarding Retirement Benefits.</b> Should the Charter be amended to: direct City negotiators to seek limits on a City employee's compensation used to calculate pension benefits; eliminate defined benefit pensions for all new City Officials and employees, except police officers, substituting a defined contribution 401(k)-type plan; require substantially equal pension contributions from the City and employees; and eliminate, if permissible, a vote of employees or retirees to change their benefits? | <b>YES</b> |  |
|   | <b>NO</b>  |  |

and;

WHEREAS, a copy of the certificate of the Registrar of Voters of San Diego County canvassing the returns of the Municipal Primary Election and Municipal Special Election, as certified to the City Clerk, has been duly received; and

WHEREAS, a canvass of this election has been completed and the City Clerk has certified the results to the City Council; and

WHEREAS, declaring the results of the election as certified by the Registrar of Voters and the City Clerk is a ministerial act required by California Elections Code section 10263 and, therefore, is not subject to veto by the Mayor; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council finds and determines, pursuant to the provisions of Section 27.0411 of the San Diego Municipal Code, as follows:

I

The total number of votes cast in the City was 248,448.

II

The total vote received by each municipal candidate at the Municipal Primary Election is as follows:

A. FOR MAYOR (four-year term)

|                                 |                       |
|---------------------------------|-----------------------|
| CARL DEMAIO                     | 75,508 VOTES (31.32%) |
| BOB FILNER                      | 73,216 VOTES (30.37%) |
| NATHAN FLETCHER                 | 57,939 VOTES (24.04%) |
| BONNIE DUMANIS                  | 31,926 VOTES (13.24%) |
| TOBIAH L. PETTUS                | 1,709 VOTES (0.71%)   |
| JOHN "WOODY" WOODRUM (Write-in) | 737 VOTES (0.31%)     |
| STEVEN H. GREENWALD (Write-in)  | 15 VOTES (0.01%)      |
| Total                           | 241,050 VOTES (100%)  |

Carl DeMaio and Bob Filner are hereby declared to be the two candidates receiving the highest number of votes and will advance to the Municipal General Election.

B. FOR CITY ATTORNEY (four-year term)

|               |                      |
|---------------|----------------------|
| JAN GOLDSMITH | 182,787 VOTES (100%) |
| Total         | 182,787 VOTES (100%) |

Jan Goldsmith, having received a majority of all votes cast, is hereby declared elected to the office of City Attorney in the Municipal Primary Election.

C. FOR COUNCIL DISTRICT 1 (four-year term)

|                    |                       |
|--------------------|-----------------------|
| RAY ELLIS          | 14,133 VOTES (45.61%) |
| SHERRI S. LIGHTNER | 12,889 VOTES (41.59%) |
| BRYAN PEASE        | 2,210 VOTES (7.13%)   |
| DENNIS RIDZ        | 1,755 VOTES (5.66%)   |
| Total              | 30,987 VOTES (100%)   |

Ray Ellis and Sherri Lightner are hereby declared to be the two candidates receiving the highest number of votes and will advance to the Municipal General Election.

D. FOR COUNCIL DISTRICT 3 (four-year term)

|             |                     |
|-------------|---------------------|
| TODD GLORIA | 24,475 VOTES (100%) |
| Total       | 24,475 VOTES (100%) |

Todd Gloria, having received a majority of all votes cast, is hereby declared elected to the office of Councilmember, District No. 3.

E. FOR COUNCIL DISTRICT 5 (four-year term)

|             |                     |
|-------------|---------------------|
| MARK KERSEY | 24,869 VOTES (100%) |
| Total       | 24,869 VOTES (100%) |

Mark Kersey, having received a majority of all votes cast, is hereby declared elected to the office of Councilmember, District No. 5.

F. FOR COUNCIL DISTRICT 7 (four-year term)

|                |                       |
|----------------|-----------------------|
| SCOTT SHERMAN  | 15,575 VOTES (50.17%) |
| MAT KOSTRINSKY | 12,462 VOTES (40.14%) |

|                   |                     |
|-------------------|---------------------|
| RIK HAUPTFELD     | 1,794 VOTES (5.78%) |
| NATHAN E. JOHNSON | 1,212 VOTES (3.90%) |
| Total             | 31,043 VOTES (100%) |

Scott Sherman, having received a majority of all votes cast, is hereby declared elected to the office of Councilmember, District No. 7.

G. FOR COUNCIL DISTRICT 9 (four-year term)

|                    |                       |
|--------------------|-----------------------|
| MARTI EMERALD      | 10,107 VOTES (72.14%) |
| MATEO R. CAMARILLO | 3,904 VOTES (27.86%)  |
| Total              | 14,011 VOTES (100%)   |

Marti Emerald, having received a majority of all votes cast, is hereby declared elected to the office of Councilmember, District No. 9.

III

The number of votes cast in the City for and against each of the two propositions which appeared on the ballot as Propositions A and B, and the total number of votes cast upon each proposition, are as follows:

PROPOSITION A

|         |                        |
|---------|------------------------|
| FOR     | 134,724 VOTES (58.09%) |
| AGAINST | 97,209 VOTES (41.91%)  |
| Total   | 231,933 VOTES (100%)   |

This proposition required a majority vote. Proposition A received the affirmative vote of a majority of the qualified voters voting on such proposition and is hereby declared to have been approved.

PROPOSITION B

|         |                        |
|---------|------------------------|
| FOR     | 154,216 VOTES (65.81%) |
| AGAINST | 80,126 VOTES (34.19%)  |
| Total   | 234,342 VOTES (100%)   |

This proposition required a majority vote. Proposition B received the affirmative vote of a majority of the qualified voters voting on such proposition and is hereby declared to have been approved.

IV

The number of votes cast in each precinct for and against the propositions is recorded in the Election Returns Book, which book is authorized and is considered to be a part of the record of this Council.

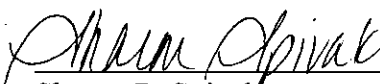
V

The City Clerk is directed to file the charter amendments with the California Secretary of State in accordance with Government Code section 34460.

VI

The City Clerk shall make public the results of the canvass of the election by publication of a copy of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Sharon B. Spivak  
Deputy City Attorney

SBS:jdf  
07/03/12  
Or.Dept:City Clerk  
Doc. No. 373929