

RESOLUTION NUMBER R- 308697

DATE OF FINAL PASSAGE DEC 17 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING AN INTENTION TO SUBMIT TO THE VOTERS A REFERENDARY PETITION AGAINST ORDINANCES NOS. O-20312 AND NO. O-20313, RELATING TO SAN DIEGO MUNICIPAL CODE AMENDMENTS AND A REZONING ACTION ASSOCIATED WITH THE BARRIO LOGAN COMMUNITY PLAN UPDATE, AND DIRECTING THE CITY ATTORNEY TO PREPARE AN ORDINANCE CALLING A SPECIAL ELECTION TO PLACE THE MEASURE ON THE BALLOT.

WHEREAS, on September 17, 2013, the Council of the City of San Diego (Council) introduced ordinances to implement changes related to an update of the Barrio Logan Community Plan that included amendments to the City of San Diego's Municipal Code, Land Development Code, and a rezoning action, which ordinances are on file in the Office of the City Clerk as Ordinance Nos. O-20312 and O-20313; and

WHEREAS, on October 15, 2013, the Council adopted Ordinance Nos. O-20312 and O-20313; and

WHEREAS, on October 29, 2013, the Council President, acting with limited mayoral authority pursuant to San Diego City Charter section 265(i), returned Ordinance Nos. O-20312 and O-20313 (Ordinances) to the City Clerk unsigned, resulting in approval of the Ordinances pursuant to Charter sections 265(i) and 280; and

WHEREAS, pursuant to Charter sections 265(i) and 295, the Ordinances' date of final passage was October 29, 2013; and

WHEREAS, on November 27, 2013, an authorized representative of proponent, Port of San Diego Ship Repair Association, through the committee Protect Our Jobs Coalition,

submitted a referendary petition against the Ordinances to the City Clerk, and on that same day, the City Clerk accepted the referendary petition as filed, thereby suspending the Ordinances; and

WHEREAS, the City Clerk submitted the referendary petition to the San Diego County Registrar of Voters (Registrar of Voters) for signature verification; and

WHEREAS, the Registrar of Voters conducted a legally required verification and found the petition to contain the valid signatures of more than five percent of the City's registered voters at the last general election, sufficient to qualify the measure for direct submission to the voters as required by Charter section 23; and

WHEREAS, on December 13, 2013, the City Clerk certified that the referendary petition was sufficient and qualified for submittal to the voters; and

WHEREAS, on December 17, 2013, in compliance with San Diego Municipal Code (Municipal Code) section 27.1125, the City Clerk presented the petition and a certification of the sufficiency of its signatures to the Council; and

WHEREAS, in compliance with Charter section 23 and Municipal Code sections 27.1131, the Council shall, within ten business days of the date of the Clerk's presentation, reconsider the legislative act; and

WHEREAS, Municipal Code sections 27.1131 and 27.1132 require the Council to reconsider the Ordinances and either: (1) grant the referendary petition to repeal the Ordinances, or (2) adopt a resolution of intention to submit the matter to the voters at a special election, and direct the City Attorney to prepare an ordinance calling a special election to place the matter on the ballot; and

WHEREAS, a special election for a referendum 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, on December 17, 2013, the Council reconsidered the Ordinances in light of the referendary petition; and

WHEREAS, the Council has decided not to repeal 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 2014, the referendary petition against Ordinances No. O-20312 and No. O-20313; 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, 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 to the electorate of the City of San Diego, at a special election to be held at the same time as the next Citywide Primary Election in June 2014, the referendary petition against Ordinances No. O-20312 and No. O-20313.

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 2014.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Sharon B. Spivak
Deputy City Attorney

SBS:jdf
12/13/13
Or.Dept:City Clerk
Document No.: 690515

Passed by the Council of The City of San Diego on DEC 17 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherr Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<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"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 17 2013

(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT
as interim Mayor of The City of San Diego, California.

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R-

308697