

ORDINANCE NUMBER O- 20454 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 30 2015

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING DIVISION 1, SECTION 27.0116; BY AMENDING DIVISION 7, SECTIONS 27.0701, 27.0705, 27.0706, AND 27.0709; BY AMENDING DIVISION 8, SECTIONS 27.0801, 27.0802, 27.0803, 27.0804, AND 27.0806; AND BY AMENDING DIVISION 9, SECTIONS 27.0902, 27.0906, AND 27.0907; ALL RELATING TO ELECTIONS.

WHEREAS, on June 3, 2014, voters of the City of San Diego approved Proposition A which amended the San Diego Charter to change an elected officer's term of office from the "first Monday after the first day of December next succeeding their election" to the "tenth day of December"; and

WHEREAS, Proposition A also extended the time to conduct a special run-off election to fill a vacancy, such changes being necessary to accommodate state and federal deadlines to certify election results and provide mail ballots; and

WHEREAS, in June 2010, voters approved Charter amendments to make the Mayor-Council form of government permanent and change the process to fill a Mayoral vacancy, making it similar to the process to fill a Council district vacancy; and

WHEREAS, pursuant to Charter section 8, the Council has adopted an elections code which is codified in Chapter 2, Article 7 of the San Diego Municipal Code; and

WHEREAS, it is now necessary to amend the San Diego Municipal Code to conform to the voter-approved Charter amendments; and

WHEREAS, it is also necessary to make changes to clarify election procedures and conform to the Charter including: (1) requiring an appointment to a vacant office be made in thirty days, instead of thirty “business” days; (2) adding the 9th Council district to the Notice of Vacancy language; and (3) clarifying that an applicant to fill a vacancy must be a resident and voter for a least thirty calendar days “immediately” prior to the date the applicant applies for appointment; NOW, THEREFORE,

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

Section 1. That Chapter 2, Article 7, Division 1 of the San Diego Municipal Code is amended by amending section 27.0116, to read as follows:

§27.0116 Term of Office

The term of office for officers elected pursuant to this article at a *District* or *City-wide Primary Election*, or at a *District* or *City-wide General Election*, shall be four years. The term of office shall commence at 10:00 a.m. on the tenth day of December following the *elective officers’ election* or upon taking their oath of office, whichever occurs later. The term of office shall expire at 10:00 a.m. on the tenth day of December of the term’s fourth year or when the *elective officers’* successors are elected and qualified, whichever occurs later. Whenever the tenth day of December falls on a weekend or holiday, the term of office shall begin at 10:00 a.m. on the next calendar day that is not a weekend or a holiday.

Section 2. That Chapter 2, Article 7, Division 7 of the San Diego Municipal Code is amended by amending sections 27.0701, 27.0705, 27.0706, and 27.0709, to read as follows:

§27.0701 Purpose and Intent

The Charter provides that if a vacancy occurs in the office of the Mayor or a City *Council* District and there is one year or less remaining in the term, the City *Council* shall appoint an individual to fill the vacant seat. If the vacancy occurs with more than one year remaining in the term, the Charter requires the City *Council* to call a *special election* to fill such vacancy. If a vacancy occurs in the office of the City Attorney, the City *Council* shall appoint an individual to fill the vacant seat until the next regular municipal election. The purpose and intent of this division is to establish uniform provisions for filling a vacancy in any *elective office*.

§27.0705 Alternative of Appointment or Election

- (a) A vacancy in the office of the City Attorney of the City of San Diego, occurring for any reason other than a successful recall *election*, shall be filled by appointment pursuant to City Charter section 40.
- (b) As soon as it is known that there will be a vacancy in the office of the Mayor or a Councilmember of the City of San Diego, for any reason other than a successful recall *election*, the decision to fill the vacancy by appointment or *special election* shall be determined by the length of time remaining in the term of office, pursuant to City Charter sections 12 and 265.

§27.0706 Letter of Resignation May be Withdrawn

A letter of resignation containing an effective date may be withdrawn in writing if that request is filed with the City *Clerk* as follows:

- (a) In the event the letter of resignation relates to the office of the City Attorney, no later than the deadline established by the City *Clerk* for filing appointment application forms pursuant to Section 27.0802; or
- (b) In the event the letter of resignation relates to the office of the Mayor or a City Councilmember and an *election* is required by the City Charter, no later than the business day before the City *Council* calls a *special election* pursuant to Section 27.0902; or
- (c) In the event the letter of resignation relates to the office of the Mayor or a City Councilmember and the vacancy will be filled by appointment in accordance with the City Charter, no later than the deadline established by the City *Clerk* for filing appointment application forms pursuant to Section 27.0802.

§27.0709 Term of Office

- (a) The term of office for an individual elected to fill a vacancy in the office of the Mayor or a City *Council* district pursuant to Division 9 of this article shall commence at the time the City *Council* adopts the resolution declaring the results of such *election* to the vacant office, and shall expire at 10:00 a.m. on tenth day of December following the next *District* or *City-wide General Election* to fill that office. Whenever the tenth day of December falls on a weekend or holiday, the term of office shall expire at 10:00 a.m. on the next calendar day that is not a weekend or a holiday.

- (b) The term of office for an individual elected to fill a vacancy in the office of the City Attorney pursuant to Division 9 of this article shall commence at the time the *City Council* adopts the resolution declaring the results of such election to the vacant office, and shall expire at 10:00 a.m. on tenth day of December following the next *City-wide General Election* to fill that office. Whenever the tenth day of December falls on a weekend or holiday, the term of office shall expire at 10:00 a.m. on the next calendar day that is not a weekend or a holiday.
- (c) The term of office for an individual appointed to fill a vacancy in the office of the Mayor or a *City Council* district pursuant to Division 8 of this article shall commence at the time the *City Council* adopts the resolution appointing that officer to fill the vacancy, and shall expire at 10:00 a.m. on tenth day of December following the *District* or *City-wide General Election* to fill that office. Whenever the tenth day of December falls on a weekend or holiday, the term of office shall expire at 10:00 a.m. on the next calendar day that is not a weekend or a holiday.
- (d) The term of office for an individual appointed to fill a vacancy in the office of the City Attorney pursuant to Division 8 of this article shall commence at the time the *City Council* adopts the resolution appointing that officer to fill the vacancy. Any individual appointed to fill such vacancy, shall hold office only until the next regular municipal election, at which time an individual shall be elected to serve for the remainder of such unexpired term. The appointed officeholders's term of office shall

expire at the time the City *Council* adopts the resolution declaring the results of the election and declares that a candidate has been elected to that office.

(e) [No change in text.]

Section 3. That Chapter 2, Article 7, Division 8 of the San Diego Municipal Code is amended by amending sections 27.0801, 27.0802, 27.0803, 27.0804, and 27.0806, to read as follows:

§27.0801 Purpose and Intent

The purpose and intent of this division is to establish an orderly procedure for the City *Council* to follow in making any appointment to an *elective office*; and for all individuals interested in being appointed to the vacant office to follow in presenting their applications for consideration by the City *Council*; and at the same time to allow for public participation in the selection process. If a position is to be filled by appointment, the procedures provided for in this division shall be followed. An appointment to fill a vacancy in any *elective office* shall be made within thirty days of the date of the vacancy.

§27.0802 Deadline for Filing Application Forms

- (a) If a vacancy exists by reason of death or unexcused absences, the deadline for filing application forms with the City *Clerk* shall be fourteen calendar days after the date of the vacancy, as determined by Section 27.0703(b).
- (b) If a vacancy exists or will exist by reason of a resignation, the deadline for filing application forms with the City *Clerk* shall be one of the following:
 - (1) through (2) [No change in text.]

§27.0803 Notice to be Published by Clerk

- (a) If a vacancy exists by reason of death or unexcused absences, and the *elective office* is to be filled by appointment, the *City Clerk* shall publish within five calendar days of the date of vacancy, as determined by Section 27.0703(b), the following notice in a paper of general circulation within the City of San Diego:

A vacancy exists in the office of (Mayor, City Attorney, or Councilmember, 1st through 9th District). Interested applicants may obtain information and forms at the office of the City Clerk, City Administration Building, 202 C Street, San Diego, California. To be considered, applications shall be returned to the office of the City Clerk by close of business, 5:00 p.m. on (insert date fourteen calendar days after the date of the vacancy as determined by Section 27.0703(b)).

- (b) If a vacancy exists or will exist by reason of a resignation, the *City Clerk* shall publish within a reasonable time the following notice:

A vacancy exists (or will exist) in the office of (Mayor, City Attorney, or Councilmember, 1st through 9th District) on (date vacancy expected to occur). Interested applicants may obtain information and forms at the office of the City Clerk, City Administration Building, 202 C Street, San Diego, California. To be considered, applications shall be returned to the office of the City Clerk by close of business, 5:00 p.m. on (insert date of the calendar day before vacancy occurs if at least a fourteen-calendar-day

interval exists between publication and date of vacancy; if not, insert date fourteen calendar days after date of publication).

§27.0804 Application Forms and Requirements

Applicants for appointment to *elective office* shall file with the *City Clerk* on or before the date for return of applications as published by the *City Clerk* under Section 27.0803, the following:

(a) through (c) [No change in text.]

(d) A statement signed under penalty of California perjury laws that the applicant complies with the requirements of Section 27.0119 and has been a resident and *voter* of the City in the case of the Mayor or City Attorney, or of the district in the case of Councilmembers, for at least thirty calendar days immediately prior to the date of making application for appointment.

§27.0806 Public Hearing

Before any appointment to fill a vacancy in an *elective office* may be made, the *City Council* shall hold at least one public hearing for the purpose of considering the applications for appointment. The hearing shall be scheduled so that the appointment can be made within thirty days of the date of the vacancy as specified in Section 27.0801. A second public hearing may be held if there are additional questions or if additional time for discussion is needed by the *City Council* prior to making the appointment.

Section 4. That Chapter 2, Article 7, Division 9 of the San Diego Municipal Code is amended by amending sections 27.0902, 27.0906, and 27.0907, to read as follows:

§27.0902 Special Election to be Called

- (a) If a vacancy occurs in the office of the Mayor or a *City Council* district for any reason other than a successful recall *election*, and the vacancy is to be filled by *election*, the *City Council* shall immediately call a *special election* to be held within ninety calendar days of the vacancy, unless there is a municipal, statewide, or countywide *election* scheduled to be held within 180 calendar days of the vacancy. If there is a municipal, statewide, or countywide *election* scheduled to be held within 180 calendar days of the vacancy, the *City Council* may consolidate the *special election* with that *election*.
- (b) If a vacancy occurs in the office of the City Attorney for any reason other than a successful recall *election*, the *City Council* shall appoint a person to fill the vacancy until the next regular municipal election, at which time a person shall be elected to serve the unexpired term.

§27.0906 If No Majority of Votes Cast, Run-off Required

If no *candidate* receives a majority of votes cast in the *special election*, a special runoff *election* shall be held within ninety calendar days of the first *special election*, unless there is a municipal, statewide, or countywide *election* scheduled to be held within 120 calendar days of the proposed special run-off *election* date, at which time the *City Council* may consolidate the special run-off *election*, with that *election*. The two *candidates* receiving the highest number of votes cast for

the vacant seat in the first *special election* shall be the only *candidates* for the vacant seat; and, the names of only those two *candidates* shall be printed on the ballots to be used at the run-off *election*.

§27.0907 Date to Assume Office

- (a) A *candidate* elected to the office of the Mayor or a *City Council* district, at either the *special election* or at the special run-off *election* called by the *City Council* to fill a vacant *elective office* shall be declared elected for the unexpired term of his or her predecessor and shall assume his or her office at the time the *City Council* adopts the resolution declaring the results of such *election* to the vacant office.
- (b) A *candidate* elected to the office of the City Attorney, at either the next regular municipal *election* or at the run-off *election* called by the *City Council* to fill the vacant office, shall be declared elected for the unexpired term of his or her predecessor and shall assume his or her office at the time the *City Council* adopts the resolution declaring the results of such *election* to the vacant office.

Section 5. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 6. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Catherine M. Bradley
Catherine M. Bradley
Deputy City Attorney

CMB:sc
11/28/14
Or.Dept: City Clerk
Doc. No.: 854821

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 13 2015.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 1/28/2015
(date)

[Signature]
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING DIVISION 1, SECTION 27.0116; BY AMENDING DIVISION 7, SECTIONS 27.0701, 27.0705, 27.0706, AND 27.0709; BY AMENDING DIVISION 8, SECTIONS 27.0801, 27.0802, 27.0803, 27.0804, AND 27.0806; AND BY AMENDING DIVISION 9, SECTIONS 27.0902, 27.0906, AND 27.0907; ALL RELATING TO ELECTIONS.

§27.0116 Term of Office

The term of office for officers elected pursuant to this article at a *District or City-wide Primary Election*, or at a *District or City-wide General Election*, shall be four years. The term of office shall commence at 10:00 a.m. (~~local time~~) on the ~~first Monday after the first calendar~~ tenth day in of December following the *elective officers' election* or upon taking their oath of office, whichever occurs later. ~~It~~ The term of office shall expire at 10:00 a.m. (~~local time~~) on the ~~first Monday after the first calendar~~ tenth day in of December of the term's fourth year or when the *elective officers'* successors are elected and qualified, whichever occurs later. Whenever the tenth day of December falls on a weekend or holiday, the term of office shall begin at 10:00 a.m. on the next calendar day that is not a weekend or a holiday.

§27.0701 Purpose and Intent

~~The Charter of The City of San Diego gives the City Council the authority to fill a vacancy in the offices of the Mayor and City Attorney within thirty business days by appointment; and failing to do so within that time, the City Council is required to immediately cause an election to be held to fill such vacancy. The Charter provides that if a vacancy occurs in the office of the Mayor or a City Council District and there is one year or less remaining in the term, the City Council shall appoint an individual to fill the vacant seat. If the vacancy occurs with more than one year remaining in the term, the Charter requires the City Council to call a special election to fill such vacancy. If a vacancy occurs in the office of the City Attorney, the City Council shall appoint an individual to fill the vacant seat until the next regular municipal election. The purpose and intent of this division is to establish uniform provisions for filling a vacancy in any *elective office*.~~

§27.0705 Alternative of Appointment or Election

- (a) ~~As soon as it is known that there will be a A vacancy in the office of the Mayor or City Attorney of ~~T~~the City of San Diego, occurring for any reason other than a successful recall *election*, ~~the presiding officer of the City Council shall, at the next regularly scheduled City Council meeting, or at a special meeting called for that purpose, consider the question of whether the vacancy shall be filled by appointment pursuant to City Charter section 40 or special election.~~~~
- (b) As soon as it is known that there will be a vacancy in the office of the Mayor or a Councilmember of ~~T~~the City of San Diego, for any reason

other than a successful recall *election*, the decision to fill the vacancy by appointment or *special election* shall be determined by the length of time remaining in the term of office, pursuant to City Charter sections 12 and 265.

§27.0706 Letter of Resignation May be Withdrawn

A letter of resignation containing an effective date may be withdrawn in writing if that request is filed with the City *Clerk* as follows:

- (a) In the event the letter of resignation relates to the office of ~~Mayor or the~~ City Attorney, no later than the ~~business day before the City Council meets in accordance with Section 27.0705(a)~~ deadline established by the City Clerk for filing appointment application forms pursuant to section 27.0802; or
- (b) In the event the letter of resignation relates to the office of the Mayor or a City Councilmember and an *election* is required by the City Charter, no later than the business day before the City *Council* calls a *special election* pursuant to Section 27.0902 ~~of this article~~; or
- (c) In the event the letter of resignation relates to the office of the Mayor or a City Councilmember and the vacancy will be filled by appointment in accordance with the City Charter, no later than the deadline established by the City *Clerk* for filing appointment application forms pursuant to Section 27.0802.

§27.0709 Term of Office

- (a) The term of office for an individual elected to fill a vacancy in the office of the Mayor or a City Council district pursuant to Division 9 of this article shall commence at the time the *City Council* adopts the resolution declaring the results of such *election* to the vacant office, and shall expire at 10:00 a.m. on ~~the first Monday after the first calendar~~ tenth day in of December following the next *District or City-wide General Election* to fill that office, ~~at the same time that the terms of other elective officers expire.~~ Whenever the tenth day of December falls on a weekend or holiday, the term of office shall expire at 10:00 a.m. on the next calendar day that is not a weekend or a holiday.
- (b) The term of office for an individual elected to fill a vacancy in the office of the ~~Mayor or City Attorney~~ pursuant to Division 9 of this article shall commence at the time the *City Council* adopts the resolution declaring the results of such election to the vacant office, and shall expire at 10:00 a.m. on ~~the first Monday after the first calendar~~ tenth day in of December following the next *City-wide General Election* to fill that office, ~~at the same time that the terms of other elective officers expire.~~ Whenever the tenth day of December falls on a weekend or holiday, the term of office shall expire at 10:00 a.m. on the next calendar day that is not a weekend or a holiday.
- (c) The term of office for an individual appointed to fill a vacancy in the office of the Mayor or a City Council district pursuant to Division 8 of this

article shall commence at the time the *City Council* adopts the resolution appointing that officer to fill the vacancy, and shall expire at 10:00 a.m. on ~~the first Monday after the first calendar~~ tenth day in of December following the *District or City-wide General Election* to fill that office, ~~at the same time that the terms of other elective officers expire. Whenever~~ the tenth day of December falls on a weekend or holiday, the term of office shall expire at 10:00 a.m. on the next calendar day that is not a weekend or a holiday.

- (d) The term of office for an individual appointed to fill a vacancy in the office of ~~Mayor or~~ the City Attorney pursuant to Division 8 of this article shall commence at the time the *City Council* adopts the resolution appointing that officer to fill the vacancy. Any individual appointed to fill such vacancy, shall hold office only until the next regular municipal election, at which time an individual shall be elected to serve for the remainder of such unexpired term. The appointed officeholders's term of office shall expire at the time the *City Council* adopts the resolution declaring the results of the election and declares that a candidate has been elected to that office.

- (e) [No change in text.]

§27.0801 Purpose and Intent

The purpose and intent of this division is to establish an orderly procedure for the *City Council* to follow in making any appointment to an *elective office*; and for all individuals interested in being appointed to the vacant office to follow in

presenting their applications for consideration by the *City Council*; and at the same time to allow for public participation in the selection process. If a position is to be filled by appointment, the procedures provided for in this division shall be followed. An appointment to fill a vacancy in any *elective office* shall be made within thirty ~~business~~ days of the date of the vacancy.

§27.0802 Deadline for Filing Application Forms

- (a) If a vacancy exists ~~in the office of a *City Council* district~~ by reason of death or ~~un-excused~~ unexcused absences, the deadline for filing application forms with the *City Clerk* shall be fourteen calendar days after the date of the vacancy, as determined by Section 27.0703(b).
- (b) If a vacancy exists or will exist ~~in the office of a *City Council* district~~ by reason of a resignation, the deadline for filing application forms with the *City Clerk* shall be one of the following:
 - (1) through (2) [No change in text.]
- (c) ~~If a vacancy exists or will exist in the office of the Mayor or City Attorney, the deadline for filing application forms with the *City Clerk* shall be fourteen calendar days after the date the *City Council* determines that the *elective office* is to be filled by appointment, pursuant to Section 27.0705(a).~~

§27.0803 Notice to be Published by Clerk

- (a) If a vacancy exists ~~in the office of a *City Council* district~~, by reason of death or ~~un-excused~~ unexcused absences, and the *elective office* is to be filled by appointment, the *City Clerk* shall publish within five calendar

days of the date of vacancy, as determined by Section 27.0703(b), the following notice in a paper of general circulation within the City of San Diego:

A vacancy exists in the office of (Mayor, City Attorney, or Councilmember, 1st through 8th 9th District). Interested applicants may obtain information and forms at the office of the City ~~Clerk~~ Clerk, City Administration Building, 202 C Street, San Diego, California. To be considered, applications shall be returned to the office of the City ~~Clerk~~ Clerk by close of business, 5:00 p.m. on (insert date fourteen calendar days after the date of the vacancy as determined by Section 27.0703(b)).

- (b) If a vacancy exists or will exist ~~in the office of a City Council district~~ by reason of a resignation, the City *Clerk* shall publish within a reasonable time the following notice:

A vacancy exists (or will exist) in the office of (Mayor, City Attorney, or Councilmember, 1st through 8th 9th District) on (date vacancy expected to occur). Interested applicants may obtain information and forms at the office of the City ~~Clerk~~ Clerk, City Administration Building, 202 C Street, San Diego, California. To be considered, applications shall be returned to the office of the City ~~Clerk~~ Clerk by close of business, 5:00 p.m. on (insert date of the calendar day before vacancy occurs if at least a fourteen-calendar-day interval exists between publication and date of vacancy; if not, insert date fourteen calendar days after date of publication).

- (e) ~~If a vacancy exists or will exist in the office of the Mayor or City Attorney, and the City Council determines that the *elective office* is to be filled by appointment, the City Clerk shall publish within five calendar days of the Council decision to fill the vacancy by appointment, pursuant to Section 27.0705(a), the following notice in a paper of general circulation within the City of San Diego:~~
- ~~A vacancy exists (or will exist) in the office of (Mayor or City Attorney) on (date vacancy expected to occur). Interested applicants may obtain information and forms at the office of the City Clerk, City Administration Building, 202 C Street, San Diego, California. To be considered, applications shall be returned to the office of the City Clerk by close of business, 5:00 p.m. on (insert date fourteen calendar days after the date the City Council determines that the *elective office* is to be filled by appointment).~~

§27.0804 Application Forms and Requirements

Applicants for appointment to *elective office* shall file with the City Clerk on or before the date for return of applications as published by the City Clerk under Section 27.0803, the following:

- (a) through (c) [No change in text.]
- (d) A statement signed under penalty of California perjury laws that the applicant complies with the requirements of Section 27.0119 and has been a resident and *voter* of the City in the case of the Mayor or City Attorney, or of the district in the case of Councilmembers ~~other than the Mayor~~, for

at least thirty calendar days immediately prior to the date of making application for appointment.

§27.0806 Public Hearing

Before any appointment to fill a vacancy in an *elective office* may be made, the *City Council* shall hold at least one public hearing for the purpose of considering the applications for appointment. The hearing shall be scheduled so that the appointment can be made within thirty ~~business~~ days of the date of the vacancy as specified in Section 27.0801. A second public hearing may be held if there are additional questions or if additional time for discussion is needed by the *City Council* prior to making the appointment.

§27.0902 Special Election to be Called

- (a) If a vacancy occurs in the office of the Mayor or a *City Council* district for any reason other than a successful recall *election*, and the vacancy is to be filled by *election*, the *City Council* shall immediately call a *special election* to be held within ninety calendar days of the vacancy, unless there is a ~~regular~~ municipal, statewide, or countywide *election* scheduled to be held within 180 calendar days of the vacancy. If there is a ~~regular~~ municipal, statewide, or countywide *election* scheduled to be held within 180 calendar days of the vacancy, the *City Council* may consolidate the *special election* with that ~~regular~~ *election*.
- (b) If a vacancy occurs in the office of the ~~Mayor or~~ the *City Attorney* for any reason other than a successful recall *election*, ~~and the City Council chooses to fill the vacancy by election, or fails to fill the vacancy by~~

appointment within thirty business days of the vacancy, the *Council* shall ~~immediately call a *special election* to be held within ninety calendar days of the date the ordinance calling the *election* is adopted, unless there is a regular municipal, statewide, or countywide *election* scheduled to be held within 180 calendar days of the vacancy. If there is a regular municipal, statewide, or countywide *election* scheduled to be held within 180 calendar days of the vacancy, the *City Council* may consolidate the *special election* with that regular *election*~~ the *City Council* shall appoint a person to fill the vacancy until the next regular municipal election, at which time a person shall be elected to serve the unexpired term.

§27.0906 If No Majority of Votes Cast, Run-off Required

If no *candidate* receives a majority of votes cast in the *special election*, a special runoff *election* shall be held within ~~forty-nine~~ ninety calendar days of the first *special election*, unless there is a regular municipal, statewide, or countywide *election* scheduled to be held within ~~ninety~~ 120 calendar days of the proposed special run-off *election* date, at which time the *City Council* may consolidate the special run-off *election*, with that regular *election*. The two *candidates* receiving the highest number of votes cast for the vacant seat in the first *special election* shall be the only *candidates* for the vacant seat; and, the names of only those two *candidates* shall be printed on the ballots to be used at the run-off *election*.

§27.0907 Date to Assume Office

- (a) A *candidate* elected to the office of the Mayor or a *City Council* district, at either the *special election* or at the special run-off *election* called by the

City Council to fill a vacant *elective office* shall be declared elected for the unexpired term of his or her predecessor and shall assume his or her office at the time the *City Council* adopts the resolution declaring the results of such *election* to the vacant office.

- (b) A *candidate* elected to the office of ~~Mayor or~~ the City Attorney, at either the ~~special~~ next regular municipal *election* or at the ~~special~~ run-off *election* called by the *City Council* to fill a ~~vacant elective office~~ the vacant office, shall be declared elected for the unexpired term of his or her predecessor and shall assume his or her office at the time the *City Council* adopts the resolution declaring the results of such *election* to the vacant office.

CMB:sc
11/28/14
Or.Dept: Council
Doc. No.: 841069

Passed by the Council of The City of San Diego on JAN 13 2015, 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"/>
Lorie Zapf	<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"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 30 2015

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

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

By Aty Meady, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

DEC 16 2014

JAN 30 2015

, and on

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

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

By Aty Meady, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20454