

ORDINANCE NUMBER O- 20609 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 29 2016

AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO, FOR THEIR APPROVAL OR REJECTION AT THE MUNICIPAL SPECIAL ELECTION, CONSOLIDATED WITH THE CALIFORNIA STATE PRIMARY ELECTION TO BE HELD ON JUNE 7, 2016, ONE PROPOSITION AMENDING THE CITY CHARTER BY AMENDING ARTICLE VII, BY REPEALING SECTION 75 AND ADDING A NEW SECTION 75; BY REPEALING SECTIONS 76 AND 76.1 AND ADDING A NEW SECTION 76; AND BY REPEALING SECTIONS 77B AND 78, ALL RELATING TO THE PROCESS THE CITY USES TO LEVY, ASSESS AND COLLECT PROPERTY TAXES AND TO REPEAL TAXES THE CITY IS NOT ABLE TO LEVY UNDER CALIFORNIA STATE LAW.

WHEREAS, pursuant to California Constitution, article XI, section 3(b), California Elections Code section 9255(a)(2), and San Diego City Charter (Charter) section 223, the Council of the City of San Diego (Council) has authority to place Charter amendments on the ballot to be considered at a Municipal Election; and

WHEREAS, by Ordinance No. O-20603, introduced and adopted on February 8, 2016, the Council has called a Municipal Special Election to be consolidated with the California State Primary Election to be held June 7, 2016, for the purpose of submitting to the qualified voters of the City one or more ballot propositions; and

WHEREAS, the Council now desires to submit to the voters at the Municipal Special Election one proposition amending the Charter to update certain of the City's taxation provisions; and

WHEREAS, the provisions of the Charter dealing with property taxes previously have not been amended to reflect changes in state law, and updates are intended to simplify the manner in which the City levies, assesses and collects property taxes in the City, and to repeal sections related to property taxes the City is not able to levy as a result of Proposition 13 and related state law; and

WHEREAS, amendments to the City's laws were proposed initially by City staff involved with the process; and

WHEREAS, the proposed Charter amendments were heard and reviewed by the City Council's Charter Review Committee, and the Council, through this Ordinance, now seeks to place the proposed amendments on the June 7, 2016 Municipal Special Election ballot; and

WHEREAS, the City Council's proposal, on its own motion, of a Charter amendment is governed by California Constitution, article XI, section 3(b), California Elections Code section 9255(a)(2), and California Government Code section 34458, and is not subject to veto by the Mayor; NOW, THEREFORE,

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

Section 1. That one proposition amending the City Charter by amending Article VII, by repealing section 75 and adding a new section 75; by repealing sections 76 and 76.1 and adding a new section 76; and by repealing sections 77B and 78; is hereby submitted to the qualified voters in the City of San Diego at the Municipal Special Election to be held on June 7, 2016, and consolidated with the California State Primary Election to be held on the same date, with the proposition to read as follows:

PROPOSITION

ARTICLE VII

FINANCE

SECTION 75: ~~ANNUAL TAX LEVY~~

~~The Council shall adopt, not later than the last day in August of each year, an ordinance levying upon the assessed valuation of all property in the City, a rate of taxation sufficient to raise the amount estimated to be required in the annual budget and as herein provided, less the amounts estimated to be received from fines, licenses, and other sources of revenue, using as a basis the value of the property as assessed by the County Assessor, as the same may be equalized and returned to the Council by County Auditor as provided by general law. The Council shall immediately thereafter transmit to the County Auditor of the County of San Diego, a statement of such rate or rates so fixed by it.~~

SECTION 75: ANNUAL TAX LEVY

No later than the last day of August of each year, the Council shall adopt an ordinance levying upon the assessed valuation of property in the City any lawfully imposed ad valorem property taxes. Unless otherwise provided by ordinance, the City shall use, for purposes of municipal taxation, the County of San Diego system of assessment and tax collection. If the Council fails to levy a rate of taxation at the time and in the manner provided by the Charter, the Chief Financial Officer shall calculate a rate of taxation, not exceeding the limit provided by law, in an amount required to meet maturing portions of principal and interest on the bonded indebtedness of the City and any special taxes lawfully imposed. The Chief Financial Officer shall give public notice of the rate of

taxation as provided by ordinance. The Chief Financial Officer is hereby vested with all necessary legislative power to carry out the provisions of this section.

SECTION 76: ~~————~~ LIMIT OF TAX LEVY

~~The tax levy authorized by the Council to meet the Municipal expenses for each fiscal year shall not exceed the rate of \$1.34 on each \$100.00 of assessed valuation of the real and personal property within the city. In addition to the foregoing tax levy, the Council, if necessary, shall levy annually a sum sufficient to meet the requirements of the pension funds herein provided for the Police and Fire Departments and the City Employees' Retirement Fund. No special tax shall be permitted except as expressly authorized by this Charter. The foregoing limitations shall not apply in the event of any great necessity or emergency, in which case they may be temporarily suspended, provided that no increase over said limits, except as in this Charter prescribed shall be made in any fiscal year unless authorized by ordinance adopted by the vote of two thirds of the electors of this City voting on the proposition, and provided further that no indebtedness shall ever be incurred by The City of San Diego for public improvements which shall in the aggregate exceed twenty five per cent (25%) of the assessed value of all real and personal property of such City, anything in this Charter contained to the contrary notwithstanding. This limitation on the part of the City to incur indebtedness shall be construed to include any indebtedness which may be incurred by special taxes or by the voting of bonds by the electors.~~

SECTION 76.1: ~~————~~ SPECIAL TAXES

~~Notwithstanding any provision of this Charter to the contrary, a special tax, as authorized by Article XIII A of the California Constitution may be levied by the Council~~

~~only if the proposed levy has been approved by a two-thirds vote of the qualified electors of the City voting on the proposition; or if the special tax is to be levied upon less than the entire City, then the tax may be levied by the Council only if the proposed levy has been approved by a two-thirds vote of the qualified electors voting on the proposition in the area of the City in which the tax is to be levied.~~

SECTION 76: SPECIAL TAXES

Notwithstanding any provision of this Charter to the contrary, a special tax, as authorized by Article XIII A of the California Constitution, may be levied by the Council only if the proposed levy has been approved by a two-thirds vote of the qualified electors of the City voting on the proposition; or if the special tax is to be levied upon less than the entire City, then the tax may be levied by the Council only if the proposed levy has been approved by a two-thirds vote of the qualified electors voting on the proposition in the area of the City in which the tax is to be levied.

SECTION 77B: PUBLIC TRANSPORTATION

~~The Council may levy, in addition to all other taxes provided for in this Charter, a special tax in an amount not to exceed ten cents (\$0.10) on each one hundred dollars (\$100.00) of the assessed valuation of all real and personal property within the City, to be used for discharging any obligations undertaken by the City to acquire, develop, operate or maintain a public transportation system or to assist a nonprofit corporation to acquire, develop, operate or maintain a public transportation system.~~

~~The Council may establish special funds, execute contracts, acquire property by purchase, devise, lease, gift or condemnation, and may sell, lease, convey, exchange, dispose of, or lend property or funds in order to provide, promote or preserve a public transportation~~

~~system. The enumerated powers in this section are in aid of public transportation and shall not be limited by any other provisions of this Charter.~~

~~SECTION 78: ASSESSMENT AND COLLECTION OF TAXES~~

~~The Council shall by ordinance provide that the assessment and collection of taxes for The City of San Diego shall be performed by the County Assessor and County Tax Collector of the County of San Diego and make such arrangements to carry out the provisions of this ordinance. Provided, however, that if at any time the majority of the electors of The City of San Diego voting at an election for that purpose, decide to have the City assume the duty of assessing and collecting the taxes for municipal purposes, then the Council may by ordinance provide for such assessment and collection of taxes by City officers and make the necessary arrangements to carry out the will of the people as expressed at such election.~~

END OF PROPOSITION

Section 2. The proposition shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in Section 3 of this ordinance.

Section 3. On the ballot to be used at this Municipal Special Election, in addition to any other matters required by law, there shall be printed substantially the following:

PROPOSITION ____. CHARTER AMENDMENTS REGARDING THE LEVY, ASSESSMENT AND COLLECTION OF PROPERTY TAXES AND THE REPEAL OF PROVISIONS FOR COLLECTING PROPERTY TAXES THE CITY CANNOT COLLECT UNDER STATE LAW. Shall the City Charter be amended to clarify the manner in which the City levies, assesses and collects property taxes in the City, and to repeal provisions regarding property taxes the City is not able to levy as a result of Proposition 13 and related state law?	YES	
	NO	

Section 4. An appropriate mark placed in the voting square after the word “Yes” shall be counted in favor of the adoption of this proposition. An appropriate mark placed in the voting square after the word “No” shall be counted against the adoption of the proposition.

Section 5. Passage of this proposition requires the affirmative vote of a majority of those qualified electors voting on the matter at the Municipal Special Election.

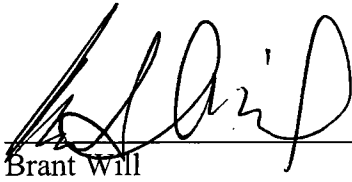
Section 6. The City Clerk shall cause this ordinance or a digest of this ordinance to be published once in the official newspaper following this ordinance’s adoption by the City Council.

Section 7. Pursuant to San Diego Municipal Code section 27.0402, this measure will be available for public examination for no fewer than ten calendar days prior to being submitted for printing in the sample ballot. During the examination period, any voter registered in the City may seek a writ of mandate or an injunction requiring any or all of the measure to be amended or deleted. The examination period will end on the day that is 75 days prior to the date set for the election. The Clerk shall post notice of the specific dates that the examination period will run.

Section 8. A full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 9. Pursuant to sections 295(b) and 295(d) of the Charter of the City of San Diego, this ordinance shall take effect on the date of passage by the City Council, which is deemed the date of its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 

Brant Will
Deputy City Attorney

BCW:SBS:jdf
02/22/16
02/29/16 REV.
Or.Dept:Charter Review Committee
Doc. No.: 1222951_2

Passed by the Council of The City of San Diego on FEB 29 2016, by the following vote:

Council Members	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 FEB 29 2016

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 Stacy Brady, Deputy

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on FEB 29 2016, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

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.

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

(Seal)

By Stacy Brady, Deputy

Office of the City Clerk, San Diego, California

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