(R-2016-368)

RESOLUTION NUMBER R-___310239___

DATE OF FINAL PASSAGE ___FEB 0 8 2016___

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO REQUESTING THE CONSOLIDATION OF A
MUNICIPAL SPECIAL ELECTION TO BE HELD IN THE
CITY OF SAN DIEGO ON TUESDAY, JUNE 7, 2016 WITH
THE CALIFORNIA STATE PRIMARY ELECTION TO BE
HELD ON THE SAME DATE.

WHEREAS, pursuant to San Diego Charter section 223, Article XI, section 3(b) of the

Constitution of the State of California, and section 9255(a)(2) of the California Elections Code,

all dealing with Charter amendments; and, pursuant to San Diego Charter section 23 and the San

Diego Municipal Code section 27.1001 pertaining to initiative measures submitted by petition or

by action of the City Council, the Council of the City of San Diego by separate ordinances may

submit to the qualified voters of the City one or more ballot propositions at a Municipal Special

Election; and

WHEREAS, at a meeting on ___FEB 0 8___, 2016, the City Council passed Ordinance

No. O-___20603___ (N.S.), calling a Municipal Special Election to be held in the City of

San Diego on Tuesday, June 7, 2016; and

WHEREAS, the California State Primary Election will be held on Tuesday, June 7, 2016;

and

WHEREAS, it is desirable that this Municipal Special Election be consolidated with the

California State Primary Election to be held on the same date, and that, within the City of

San Diego, the election precincts, polling places, voting booths, and election officials for the two

elections be the same; and

WHEREAS, the consolidation is requested pursuant to local procedures authorized under California Elections Code section 10402 and the City's Elections Code; and

WHEREAS, it is desirable that the Board of Supervisors of the County of San Diego be authorized to canvass the returns of the Municipal Primary Election; and

WHEREAS, it is desirable that this election and the California State Primary Election be held in all respects as if there were only one election; and

WHEREAS, actions related to the calling of a Municipal Special Election are in the purview of the City Council, as section 295(d) of the San Diego Charter indicates regarding ordinances that call or relate to elections, and thus this resolution is not subject to veto by the Mayor; NOW, THEREFORE,

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

1.   The Board of Supervisors of the County of San Diego is hereby requested to consolidate the Municipal Special Election to be held in the City of San Diego on Tuesday, June 7, 2016 with the California State Primary Election to be held on the same date.

2.   The Board of Supervisors of the County of San Diego is hereby authorized to canvass the returns of the Municipal Special Election and is requested to conduct the election in all respects as if there were only one election using only one form of ballot.

3.   The Board of Supervisors of the County of San Diego is requested to issue to all officers of the County charged with duties pertaining to the California State Primary Election appropriate instructions to take any and all steps necessary for the holding of a consolidated election.

4.   The Board of Supervisors of the County of San Diego is hereby requested to authorize and direct the Registrar of Voters of the County of San Diego to perform the following:

(a)   Furnish a tabulation of the number of registered voters in each Council district by precinct;

(b)   Examine and verify the signatures on nominating petitions;

(c)   Provide election materials in languages other than English in accordance with federal law;

(d)   Canvass the returns of the election, including absent voter ballots;

(e)   Furnish a tabulation of the number of votes given in each precinct;

(f)   Furnish a tabulation of the number of votes given in each Council district by precinct; and

(g)   Complete any and all tasks related to the legal conduct of this election as required of the City Clerk upon the request of the City Clerk or the City Council.
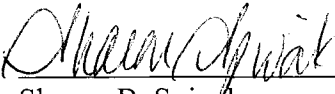
5.   The City Clerk of the City of San Diego is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and Registrar of Voters of the County of San Diego.

BE IT FURTHER RESOLVED, that the City Comptroller is authorized to reimburse the County of San Diego for the actual and direct cost of the services performed by the Registrar of Voters for the City of San Diego in connection with the election services herein described, provided that the City Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

BE IT FURTHER RESOLVED, that the City of San Diego agrees to indemnify and to save free and harmless the County, its officers, agents, and employees from expense or liability,

including reasonable attorney fees, as the result of an election contest initiated pursuant to California Elections Code sections 16000 through 16900.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   _Sharon B. Spivak_ _(signature)_

       Sharon B. Spivak
       Deputy City Attorney

SBS:jdf
01/20/16
Or.Dept:City Clerk
Doc. No.:1203764

Passed by the Council of The City of San Diego on _____ FEB 0 8 2016 _____, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	☑	☐	☐	☐
Lorie Zapf	☑	☐	☐	☐
Todd Gloria	☑	☐	☐	☐
Myrtle Cole	☑	☐	☐	☐
Mark Kersey	☑	☐	☐	☐
Chris Cate	☑	☐	☐	☐
Scott Sherman	☑	☐	☐	☐
David Alvarez	☑	☐	☐	☐
Marti Emerald	☑	☐	☐	☐

Date of final passage _____ FEB 0 8 2016 _____.

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

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 _____, Deputy

Office of the City Clerk, San Diego, California

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