

ORDINANCE NUMBER O- 20971 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 30 2018

AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO, AT THE MUNICIPAL SPECIAL ELECTION, CONSOLIDATED WITH THE CALIFORNIA STATE GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 2018, ONE MEASURE AMENDING THE CITY CHARTER BY AMENDING ARTICLE III, SECTION 12(c), RELATING TO TERM LIMITS FOR COUNCILMEMBERS.

WHEREAS, pursuant to California Constitution, article XI, section 3(b), California Elections Code (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 San Diego Ordinance O-02963, introduced and adopted on July 17, 2018, the Council has called a Municipal Special election to be consolidated with the California State General Election to be held November 6, 2018, for the purpose of submitting to the qualified voters of the City of San Diego (City) one or more ballot measures; and

WHEREAS, the Council now desires to submit to the voters at the Municipal Special Election one measure amending the Charter by amending Article III, section 12(c), relating to term limits for members of the City Council; and

WHEREAS, Charter section 12(c) provides that Councilmembers are limited to “two consecutive four-year terms as a Council member from any particular district,” and states that if a Councilmember serves “a partial term as Councilmember from a particular district in excess of two (2) years” it shall be counted as a full term for this purpose; and

WHEREAS, the Council now desires to amend Charter section 12(c) by removing the phrases “from any particular district” and “from a particular district,” which have allowed a Councilmember to potentially serve more than two terms by serving as a representative in different numbered districts, which can occur if the Councilmember moves, or if a redistricting caused a Councilmember’s residence to be assigned to a different numbered district; and

WHEREAS, the Council also desires to amend Charter section 12(c) to remove the word “consecutive,” to state a clear intention that, after serving two four-year terms, the former Councilmember would face a lifetime ban on serving on the Council; and

WHEREAS, a partial term in office that exceeds two years would continue to count as a full term for the purpose of the term limit provision; and

WHEREAS, the Charter language to be removed from section 12 has appeared in different subsections over the years, but has been included in the Charter since voters approved the language in a 1992 ballot measure; and

WHEREAS, the Charter amendments were proposed by Council President Pro Tem Barbara Bry and Councilmember Chris Ward as part of the Council Policy 000-21 process, were heard by the Council’s Rules Committee, and are presented in this ordinance for placement on the November 6, 2018, Municipal Special Election ballot; and

WHEREAS, the Council’s proposal, on its own motion, of a Charter amendment is governed by California Constitution, article XI, section 3(b), Elections Code section 9255(a)(2), and 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. One measure amending the City Charter by amending Article III, section 12(c), related to term limits for members of the Council, is hereby submitted to the qualified voters at the Municipal Special Election to be held on November 6, 2018, and consolidated with the California State General Election to be held on the same date, with the measure to read as follows:

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**MEASURE**

**ARTICLE III**

**LEGISLATIVE POWER**

**SECTION 12: THE COUNCIL**

- (a) The Council shall be the legislative body of the City and each of its members shall have the right to vote upon all questions before it.
- (b) Council members shall hold office for the term of four (4) years from and after 10 a.m. on the tenth day of December next succeeding their election and until their successors are elected and qualified. If the tenth day of December falls on a weekend or holiday, the term shall begin at 10 a.m. on the next calendar day that is not a weekend or a holiday.
- (c) Notwithstanding any other provision of this Charter, no person shall serve more than two consecutive four-year terms as a Council member ~~from any particular district~~. If for any reason a person serves a partial term as Councilmember ~~from a particular district in~~

excess of two (2) years, that partial term shall be considered a full term for purposes of this term limit provision.

- (d) Upon any redistricting pursuant to the provisions of this Charter, incumbent Council members will continue to represent the district they were elected to serve for the remainder of their current term. At the next municipal primary and general elections following a redistricting, Council members shall be elected from those districts not represented and from those districts represented by incumbent Council members whose terms expire as of the general election in that year. If, as a result of any redistricting, more than a simple majority of the City Council as redistricted shall be elected at either the municipal primary or general election next following any such redistricting, the City Council prior to any such election shall designate one or more new districts for which the initial council term shall be two years in order to retain staggered terms for Council members
- (e) It is the duty of the Council members to attend all Council meetings. The Council shall vacate the seat of any Councilmember who is absent from eight (8) consecutive meetings or fifty percent (50%) of any scheduled meetings within a month unless the absence thereof is excused by resolution of the Council.
- (f) Council members shall devote full time to the duties of their office and not engage in any outside employment, trade, business or profession which interferes or conflicts with those duties.

- (g) Council members shall not be eligible during the term for which they were appointed or elected to hold any other office or employment with the City, except as a member of any Board, Commission or Committee thereof, of which they are constituted such a member by general law or by this Charter.
- (h) Whenever a vacancy exists in the office of a Councilmember, the chief of staff for the departing Councilmember shall manage the office of the Councilmember under the authority of the Council President, until a replacement is appointed or elected pursuant to the procedures for filling vacancies provided by this Charter.

**END OF MEASURE**

Section 2. The measure 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:

<b>MEASURE __. CHARTER AMENDMENT LIMITING CITY COUNCILMEMBERS TO SERVING TWO FOUR-YEAR TERMS.</b> Shall City Charter section 12(c) be amended to remove language regarding a “particular district” and clarify that a person cannot serve on the City Council after serving two four-year terms, with a partial term of more than two years continuing to count as a full term for purposes of the term limit provision?	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 measure. An appropriate mark placed in the voting square after the word “No” shall be counted against the adoption of the measure.

Section 5. Passage of this measure 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. In compliance with 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: MARA W. ELLIOTT, City Attorney

By   
Sharon B. Spivak  
Deputy City Attorney

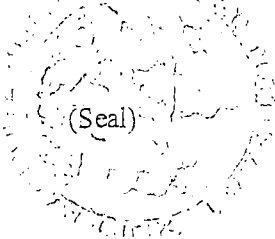
SBS:jdf:cm  
07/25/18  
Or. Dept: Council Districts 1 and 3, Rules Committee  
Doc. No. 1786840\_2

Passed by the Council of The City of San Diego on JUL 30 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 30 2018

AUTHENTICATED BY:



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

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

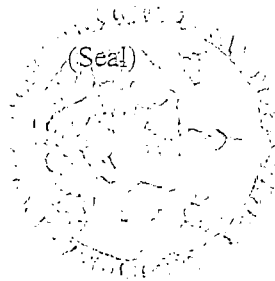
By Linda Irwin, Deputy

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on JUL 30 2018, said ordinance being of the kind and character authorized for passage on its introduction by Section 295 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.

By Linda Irwin, Deputy



Office of the City Clerk, San Diego, California

Ordinance Number O- 20971