

002637

REQUEST FOR COUNCIL ACTION
 CITY OF SAN DIEGO
1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE)

135

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):
CITY CLERK3. DATE:
12/1/08

12/02

4. SUBJECT:

Results of November 4, 2008 General Election

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)

Denise Jenkins, MS 2A (619) 533-4030

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.)

Bonnie Stone, MS 2A (619) 533-4060

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED



8. COMPLETE FOR ACCOUNTING PURPOSES

8. COMPLETE FOR ACCOUNTING PURPOSES				9. ADDITIONAL INFORMATION / ESTIMATED COST:
FUND				
DEPT.				
ORGANIZATION				
OBJECT ACCOUNT				
JOB ORDER				
C.I.P. NUMBER				
AMOUNT				

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	<i>Elizabeth M. Cant</i>	11-19-08	8	DEPUTY CHIEF		
2				9	COO		
3				10	CITY ATTORNEY	<i>Thomas Spink</i>	11-19-08
4	CFO			11	ORIG. DEPT	<i>Elizabeth M. Cant</i>	11-19-08
5					DOCKET COORD: _____	COUNCIL LIAISON _____	
6				✓	COUNCIL PRESIDENT	<input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION	
7					<i>ms</i>	<input type="checkbox"/> REFER TO: _____	COUNCIL DATE: 12/2/08

11. PREPARATION OF: RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

Declaring the results of the canvass of votes for the Municipal General Election held in the City of San Diego, Tuesday, November 4, 2008.

(For the Council Docket of December 2, 2008)

11A. STAFF RECOMMENDATIONS:

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): CITY WIDE

COMMUNITY AREA(S): N/A

ENVIRONMENTAL IMPACT: N/A

HOUSING IMPACT: N/A

OTHER ISSUES:

For consent agenda, docket of

Draft Certificate of City Clerk is attached.

Draft resolution is attached.

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

CERTIFICATE OF CITY CLERK

I, ELIZABETH MALAND, City Clerk of The City of San Diego, California, DO
HEREBY CERTIFY the results of the canvass of the votes cast in the General Election held on
Tuesday, November 4, 2008, to be as follows, to wit:

- (a) The whole number of votes cast in the City was _____;
- (b) The names of the persons running and the office each sought;
- (c) The number of votes given in the City is as follows, to wit:

FOR THE OFFICE OF CITY ATTORNEY

Jan Goldsmith	received	votes	%
Michael J. Aguirre	received	votes	%
TOTAL FOR OFFICE OF CITY ATTORNEY		votes	%

FOR THE OFFICE OF COUNCIL DISTRICT NO. 1

Sherri S. Lightner	received	votes	%
Phil Thalheimer	received	votes	%
TOTAL FOR OFFICE OF COUNCIL DISTRICT NO. 1		votes	%

FOR THE OFFICE OF COUNCIL DISTRICT NO. 3

Todd Gloria	received	votes	%
Stephen Whitburn	received	votes	%
TOTAL FOR OFFICE OF COUNCIL DISTRICT NO. 3		votes	%

FOR THE OFFICE OF COUNCIL DISTRICT NO. 7

Marti Emerald	received	votes	%
April Boling	received	votes	%

062640

TOTAL FOR OFFICE OF
COUNCIL DISTRICT NO. 7

votes %

(d) The measures voted upon, and the number of votes given for and against each measure are as follows, to wit:

PROPOSITION C.

AMENDS THE CHARTER OF THE CITY OF SAN DIEGO DESIGNATING THE USE OF THE LEASE REVENUE FROM MISSION BAY PARK. Shall the City Charter be amended requiring the annual lease revenue generated in Mission Bay Park exceeding \$23 million initially and decreasing to \$20 million after 5 years be appropriated 75% for capital improvements in Mission Bay Park and 25% for capital improvements in Chollas Lake, Balboa, Mission Trails, Otay River Valley, Presidio and San Diego River Parks; open space parks; coastal beaches and contiguous coastal parks; and future regional parks?

This proposition requires a majority vote.

For said proposition the vote was %

Against said proposition the vote was %

THE TOTAL VOTE WAS %

PROPOSITION D.

MAKING ALCOHOL CONSUMPTION UNLAWFUL AT CITY BEACHES, MISSION BAY PARK, AND COASTAL PARKS. Shall the People of the City of San Diego amend San Diego Municipal Code section 56.54 to make the consumption of alcohol unlawful at City beaches, Mission Bay Park, and coastal parks?

This proposition requires a majority vote.

For said proposition the vote was %

Against said proposition the vote was %

THE TOTAL VOTE WAS %

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- (d) The number of votes given in each precinct to each person, and for and against the proposition, are recorded in the Elections Return Book, which book is authorized and is considered a part of the record of the Council.

ELIZABETH MALAND, CITY CLERK

(SEAL)

DATED AT SAN DIEGO, CALIFORNIA,
THIS 1ST DAY OF DECEMBER, 2008

RESOLUTION NUMBER R-_____

ADOPTED ON _____

A RESOLUTION DECLARING THE RESULTS OF THE MUNICIPAL GENERAL ELECTION AND THE MUNICIPAL SPECIAL ELECTION HELD IN THE CITY OF SAN DIEGO ON NOVEMBER 4, 2008.

WHEREAS, a municipal general election was held in the City of San Diego on Tuesday, November 4, 2008, pursuant to the provisions of Ordinance No. O-19771 (New Series), adopted July 15, 2008, for the purpose of electing a candidate to the office of City Attorney, and the offices of Councilmember in Districts One (1), Three (3), and Seven (7); and

WHEREAS, a municipal special election was held in the City of San Diego on Tuesday, November 4, 2008, pursuant to the provisions of Ordinance No. 19770 (New Series), adopted July 15, 2008, for the purpose of submitting to the qualified voters of the City of San Diego two ballot propositions, described as follows:

- (1) One proposition amending the City Charter for the City of San Diego [Charter] by adding Section 55.2 was placed on the ballot by Ordinance No. O-19776, adopted on July 28, 2008 (Proposition C); and
- (2) One proposition amending Chapter 5, Article 6, Division 0 of the San Diego Municipal Code, by amending Section 56.54, was placed on the ballot by Ordinance No. O-19779, adopted on July 29, 2008 (Proposition D); and

WHEREAS, these propositions read as follows:

<p>PROPOSITION C. AMENDS THE CHARTER OF THE CITY OF SAN DIEGO DESIGNATING THE USE OF THE LEASE REVENUE FROM MISSION BAY PARK. Shall the City Charter be amended requiring the annual lease revenue generated in Mission Bay Park exceeding \$23 million initially and decreasing to \$20 million after 5 years be appropriated 75% for capital improvements in Mission Bay Park and 25% for capital improvements in Chollas Lake, Balboa, Mission Trails, Otay River Valley, Presidio and San Diego River Parks; open space parks; coastal beaches and contiguous coastal parks; and future regional parks?</p>	YES	
	NO	

<p>PROPOSITION D. MAKING ALCOHOL CONSUMPTION UNLAWFUL AT CITY BEACHES, MISSION BAY PARK, AND COASTAL PARKS. Shall the People of the City of San Diego amend San Diego Municipal Code section 56.54 to make the consumption of alcohol unlawful at City beaches, Mission Bay Park, and coastal parks?</p>	YES	
	NO	

; and

WHEREAS, a copy of the certificate of the Registrar of Voters of San Diego County canvassing the returns of the general municipal election and the special municipal election, as certified to the City Clerk, has been duly received; and

WHEREAS, a canvass of these elections has been completed and the City Clerk has certified the results to the City Council; and

WHEREAS, declaring the results of the election as certified by the Registrar of Voters and the City Clerk is a ministerial act required by California Elections Code section 10263 and, therefore, is not subject to veto by the Mayor; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council finds and determines, pursuant to the provisions of Section 27.0411 of the San Diego Municipal Code, as follows:

I

The whole number of votes cast in the City was _____.

II

The total vote received by each municipal candidate at the municipal general election is as follows:

A. FOR CITY ATTORNEY (four-year term)

JAN GOLDSMITH _____

MICHAEL J. AGUIRRE _____

JAN GOLDSMITH, having received a majority of all votes cast, is hereby declared elected to the office of City Attorney.

B. FOR COUNCIL DISTRICT NO. 1 (four-year term)

SHERRI S. LIGHTNER _____

PHIL THALHEIMER _____

SHERRI S. LIGHTNER, having received a majority of all votes cast, is hereby declared elected to the office of Councilmember, District No. 1.

C. FOR COUNCIL DISTRICT NO. 3 (four-year term)

TODD GLORIA _____

STEPHEN WHITBURN _____

TODD GLORIA, having received a majority of all votes cast, is hereby declared elected to the office of Councilmember, District No. 3.

D. FOR COUNCIL DISTRICT NO. 7 (four-year term)

MARTI EMERALD _____

APRIL BOLING _____

MARTI EMERALD, having received a majority of all votes cast, is hereby declared elected to the office of Councilmember, District No. 7.

III

The number of votes cast in the City for and against each of the two propositions which appeared on the ballot as Propositions C and D, and the total number of votes cast upon each proposition, are as follows:

PROPOSITION C

For _____

Against _____

TOTAL _____

Proposition C received the affirmative vote of a majority of the qualified voters voting on such proposition and is hereby declared to have been approved.

PROPOSITION D

For _____

Against _____

TOTAL _____

Proposition D received the affirmative vote of a majority of the qualified voters voting on such proposition and is hereby declared to have been approved.

IV

The number of votes cast in each precinct for and against the proposition is recorded in the Election Returns Book, which book is a part of the records of this Council.

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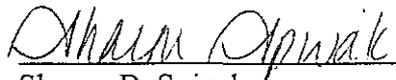
V

The City Clerk is directed to file the following charter amendments with the Secretary of State in accordance with Government Code section 34460: adding Charter Section 55.2, designating the use of lease revenue from Mission Bay Park (Proposition C).

VI

The City Clerk shall make public the results of the canvass of the municipal special election by publication of a copy of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Sharon B. Spivak
Deputy City Attorney

SBS:als
11/20/08
Or.Dept:City Clerk
R-2009-697