

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR THE SPECIAL COUNCIL MEETING  
OF  
MONDAY, MAY 2, 2005  
AT 11:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 11:07 a.m. Mayor Murphy recessed the meeting at 12:28 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 1:06 p.m. with Council Members Madaffer and Inzunza not present. Mayor Murphy adjourned the meeting at 2:53 p.m. into Closed Session immediately thereafter to discuss pending and potential litigation and meet and confer matters.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Murphy-present
  - (1) Council Member Peters-present
  - (2) Council Member Zucchet-present
  - (3) Council Member Atkins-present
  - (4) Council Member Young-present
  - (5) Council Member Maienschein-present
  - (6) Council Member Frye-present
  - (7) Council Member Madaffer-Excused (By R-300451, no reason given)
  - (8) Council Member Inzunza-present
- Clerk-Lane (er)

FILE LOCATION:                      MINUTES

ITEM-700: ROLL CALL

Clerk Joyce Lane called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-not present
- (8) Council Member Inzunza-present

FILE LOCATION: MINUTES

CLOSED SESSION ITEM:

**Conference with Labor Negotiator, pursuant to Government Code Section 54957.6:**

**REFERRED TO CLOSED SESSION OF MONDAY, MAY 2, 2005**

**CS-1 Agency negotiators:** Lamont Ewell, Bruce Herring, Mike McGhee

Employee organizations: Municipal Employees Association, Local 127 AFSME, AFL-CIO, Local 145 International Association of Firefighters AFL-CIO, San Diego Police Officers Association, The Deputy City Attorneys Association of San Diego

DCA assigned: Morris

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:07 a.m. – 11:09 a.m.)

Mayor Murphy closed the hearing.

ITEM-701: Consideration of the question of whether the upcoming Mayoral vacancy shall be filled by appointment or special election, pursuant to Municipal Code Section 27.0705 (A).

(See City Clerk Report No. 05-02; City Attorney Report dated 4/29/2005; and memorandum from City Attorney dated 4/29/2005.)

**NOTE:** Discussion item may result in specific action by the Council including the calling of a special election (see Subitems A and B). Further Council discussion and input may be given on any issues related to filling the Mayoral vacancy.

**COUNCIL DISCUSSION MAY RESULT IN THE FOLLOWING ACTIONS:**

Introduce and adopt the Ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2005-127 Rev.)      INTRODUCED AND ADOPTED AS  
ORDINANCE O-19368 (New Series)

Introduction and adoption of an Ordinance calling a Special Municipal Election in the City of San Diego to fill Mayoral vacancy.

Subitem-B: (R-2005-1128 Rev.)      ADOPTED AS RESOLUTION R-300365

Authorizing the Registrar of Voters to conduct the election and canvass the returns of the Special Municipal Election in the City of San Diego;

Requesting the Registrar of Voters to issue to all officers of the County charged with duties pertaining to the California State General Election appropriate instructions to take any and all steps necessary for holding the election;

Requesting the Board of Supervisors of the County of San Diego 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) Canvass the returns of the election, including absent voter ballots;
- (d) Furnish a tabulation of the number of votes given in each precinct; and
- (e) Furnish a tabulation of the number of votes given in each Council district by precinct.

Directing the City Clerk of the City of San Diego to file a certified copy of this resolution with the Board of Supervisors and Registrar of Voters of the County of San Diego;

Authorizing the City Auditor and Comptroller to reimburse the County of San Diego in full for 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 Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Declaring 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's fees, as the result of an election contest initiated pursuant to the California Elections Code Sections 16000 through 16900.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:09 a.m. – 2:53 p.m.)

MOTION BY INZUNZA TO INTRODUCE, DISPENSE WITH THE READING, AND ADOPT THE ORDINANCE IN SUBITEM A CALLING FOR A SPECIAL ELECTION ON JULY 26, 2005, AND COME BACK ON JUNE 14, 2005, TO DECIDE ON A DATE FOR THE RUN-OFF ELECTION. ADOPT THE RESOLUTION IN SUBITEM B WITH THE DIRECTION THAT THE SPECIAL ELECTION SHALL BE CONDUCTED UNDER THE CITY CHARTER'S GUIDELINES. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 2:53 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:53 p.m.)