

MEMORANDUM OF LAW

DATE: October 21, 1985

TO: Councilman Cleator

FROM: City Attorney

SUBJECT: Adoption of Ordinances or Resolutions; Votes
Necessary For

Your memorandum of October 16, 1985 asks questions as to the meaning of the phrase "majority of the members elected to the Council" (City Charter, section 13) and "majority of the total voting members of the City Council" (San Diego Municipal Code, section 101.0208) with respect to voting requirements for the passage of ordinances and resolutions when the Council has any vacancies.

We think the phrases mean five (5) affirmative votes for the ordinance or resolution even if there are vacancies. Former City Attorney (now Appellate Court Justice) Edward Butler addressed this issue in an extensive opinion in November 1968 and concluded

in a similar fashion. We agree with that well reasoned opinion
and attach a copy of that opinion here for your review.

JOHN W. WITT, City Attorney

By

C. M. Fitzpatrick

Assistant City Attorney

CMF:js:011(x043.2)

Attachment

ML-85-70