

RESOLUTION NUMBER R- 310869

DATE OF FINAL PASSAGE DEC 12 2016

A RESOLUTION DECLARING THE RESULTS OF THE
MUNICIPAL GENERAL ELECTION AND THE MUNICIPAL
SPECIAL ELECTION HELD IN THE CITY OF SAN DIEGO
ON NOVEMBER 8, 2016

WHEREAS, a Municipal General Election was held in the City of San Diego on Tuesday, November 8, 2016, pursuant to the provisions of Ordinance No. O-20670 (New Series), introduced and adopted on July 11, 2016, for the purpose of electing candidates to the offices of City Attorney and Councilmember for Districts 1 and 9, respectively; and

WHEREAS, a Municipal Special Election was held in the City of San Diego on Tuesday, November 8, 2016, pursuant to the provisions of Ordinance No. O-20671 (New Series), introduced and adopted on July 11, 2016, for the purpose of submitting to the qualified voters of the City of San Diego twelve ballot measures, described as follows:

- 1) One citizens' initiative measure regarding a Downtown Stadium Initiative (Measure C).
- 2) One citizens' initiative measure regarding a Facilities and Tourism Tax Initiative (Measure D).
- 3) One measure regarding whether to amend the San Diego City Charter related to the qualifications, vacancy, and removal processes for Mayor, City Attorney and the City Council (Measure E).
- 4) One measure regarding whether to amend the San Diego City Charter related to the required term of service for certain terminations or suspensions of Deputy City Attorneys (Measure F).

- 5) One measure regarding whether to amend the San Diego City Charter related to the Citizens' Review Board on Police Practices (Measure G).
- 6) One measure regarding whether to amend the San Diego City Charter related to purchasing and contracting processes for the City of San Diego (Measure H).
- 7) One measure regarding whether to amend the San Diego City Charter related to Balboa Park and San Diego High School (Measure I).
- 8) One measure regarding whether to amend the San Diego City Charter related to the use of lease revenue from Mission Bay Park (Measure J).
- 9) One measure regarding whether to amend the San Diego City Charter related to requiring run-off elections for the offices of Mayor, City Attorney and Councilmember (Measure K).
- 10) One measure regarding whether to amend the San Diego City Charter related to requiring citizens' initiative and referendum measures to be placed on November general election ballots, unless the Council decides to submit them to voters earlier (Measure L).
- 11) One measure related to affordable housing and increasing the limit on the number of units the City and certain public agencies are allowed to help develop (Measure M).
- 12) One measure related to allowing the City to adopt an ordinance imposing a non-medical cannabis business tax (Measure N); and

WHEREAS, the measures, as stated in the ordinances placing them on the ballot, are:

<p>MEASURE C. DOWNTOWN STADIUM INITIATIVE. Should the measure be adopted to: increase San Diego’s hotel occupancy tax by 6% to build a City-owned downtown professional football stadium and convention center project, and fund tourism marketing; effect the project financing, design, construction, use, management, and maintenance, including a \$650,000,000 contribution and 30-year commitment by a professional football entity; end Tourism Marketing District assessments; adopt a development ordinance, and related land use, sign, and zoning laws?</p>	YES	
	NO	
<p>MEASURE D. FACILITIES AND TOURISM TAX INITIATIVE. Should the measure be adopted to: among other provisions, increase San Diego’s hotel occupancy tax up to 5%; end Tourism Marketing District; allow hoteliers to create assessment districts and use hotel occupancy taxes for a downtown convention center and not a stadium; prohibit contiguous expansion of existing convention center; create downtown overlay zone for convention and sports facilities; create environmental processes; and allow Qualcomm stadium property’s sale for educational and park uses?</p>	YES	
	NO	
<p>MEASURE E. CHARTER AMENDMENT REGARDING QUALIFICATIONS, VACANCY, AND REMOVAL FOR MAYOR, CITY ATTORNEY, AND COUNCIL. Shall the Charter be amended to include a new article adding: incapacity, felony conviction, and removal as grounds for vacancies in office; a procedure for calling a special election to remove an officer for cause; a revised procedure for filling vacancies; to require the City Attorney be a licensed attorney; and to define authority during vacancies and enforcement of office forfeiture?</p>	YES	
	NO	
<p>MEASURE F. CHARTER AMENDMENT REGARDING REQUIRED TERM OF SERVICE FOR CERTAIN TERMINATIONS OR SUSPENSIONS OF DEPUTY CITY ATTORNEYS. Shall the City Charter be amended to change the term of service required of Deputy City Attorneys, for protection from termination or suspension without good cause, from two years or more of continuous service to one year or more of continuous service, which protection would continue not to apply to layoffs due to lack of work or insufficient appropriations?</p>	YES	
	NO	

<p>MEASURE G. CHARTER AMENDMENTS REGARDING THE CITIZENS’ REVIEW BOARD ON POLICE PRACTICES. Shall section 43(d) of the City Charter be amended to rename the Citizens’ Review Board on Police Practices as the Community Review Board on Police Practices, to replace references to “City Manager” with “Mayor and City Council,” and to require the board to review all deaths occurring while someone is in the custody of the San Diego Police Department and all police officer-related shootings?</p>	YES	
	NO	
<p>MEASURE H. CHARTER AMENDMENTS REGARDING PURCHASING AND CONTRACTING PROCESSES FOR THE CITY OF SAN DIEGO. Shall the City Charter be amended to: require contracts for public works, goods, services, and consultants to be awarded through a competitive process in accordance with rules adopted by ordinance, remove the position of Purchasing Agent, eliminate the requirement to publish certain notices in printed newspapers, and update other provisions consistent with state law?</p>	YES	
	NO	
<p>MEASURE I. CHARTER AMENDMENT REGARDING BALBOA PARK AND SAN DIEGO HIGH SCHOOL. Shall City Charter section 55 be amended to authorize the City Council to lease the dedicated park property in Balboa Park currently occupied by San Diego High School, to the San Diego Unified School District for educational, cultural, recreational, and civic programs and activities, provided that the property is used for a public high school?</p>	YES	
	NO	
<p>MEASURE J. CHARTER AMENDMENT REGARDING USE OF LEASE REVENUE FROM MISSION BAY PARK. Shall Charter section 55.2 be amended to: increase, from 25% to 35%, the allocation of annual Mission Bay Park lease revenues exceeding \$20 million, for capital improvements in San Diego Regional Parks; allow Council to add City-owned parkland to Mission Bay Park’s boundaries; combine and coordinate construction of Mission Bay Park improvements identified in this section; and extend operation of this section until 2069?</p>	YES	
	NO	

MEASURE K. CHARTER AMENDMENT REQUIRING RUN-OFF ELECTION FOR THE OFFICES OF MAYOR, CITY ATTORNEY AND COUNCILMEMBER. Shall the Charter be amended to eliminate the provision that elects a candidate for Mayor, City Attorney, or Councilmember to office if the candidate receives a majority vote in the June primary election, and instead require a run-off election at the November general election between the two candidates who received the most votes in the primary election?	YES	
	NO	
MEASURE L. CHARTER AMENDMENT REQUIRING CITIZENS' INITIATIVE AND REFERENDUM MEASURES TO BE PLACED ON NOVEMBER GENERAL ELECTION BALLOTS, UNLESS THE COUNCIL DECIDES TO SUBMIT THEM TO VOTERS EARLIER. Shall the Charter be amended to require qualified citizens' initiative and referendum measures to be submitted to voters on the next November general election ballot and not at a June primary election, unless the Council chooses to submit the measure to voters prior to that election?	YES	
	NO	
MEASURE M. AFFORDABLE HOUSING: INCREASING THE LIMIT ON THE NUMBER OF UNITS THE CITY AND CERTAIN PUBLIC AGENCIES ARE ALLOWED TO HELP DEVELOP. Shall the voters increase by 38,680 the maximum number of housing units the City and certain other public agencies are allowed to help develop, construct, or acquire for people with low incomes, without this ballot measure approving specific housing units, providing funds for development, removing requirements that otherwise apply, or taking any other action?	YES	
	NO	
MEASURE N. NON-MEDICAL CANNABIS BUSINESS TAX. If California voters approve Proposition 64 legalizing marijuana in the state, shall the City adopt an ordinance imposing a gross receipts tax, for general revenue purposes, on non-medical cannabis (also known as marijuana) businesses operating in the City, initially set at 5% and increasing to 8% on July 1, 2019, having a maximum rate of 15%, generating an undetermined amount of revenue and continuing indefinitely?	YES	
	NO	

and;

WHEREAS, a copy of the certificate of the Registrar of Voters of San Diego County canvassing the returns of the Municipal General Election and Municipal Special Election, as certified to the City Clerk, has been duly received; and

WHEREAS, a canvass of this election 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 City of San Diego had 716,454 registered voters eligible to vote in the November 8, 2016 election. The total number of votes cast in the City for Citywide office (City Attorney) or ballot measures ranged from a low of 464,549 to a high of 544,484.

II

The total vote received by each municipal candidate at the Municipal General Election is as follows:

A.	FOR CITY ATTORNEY (four-year term)	
	MARA ELLIOTT	267,122 VOTES (57.34%)
	ROBERT HICKEY	198,735 VOTES (42.66%)
	Total	465,857 VOTES (100%)

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

B.	FOR COUNCIL DISTRICT 1 (four-year term)	
	BARBARA BRY	38,470 VOTES (65.45%)
	RAY ELLIS	20,305 VOTES (34.55%)
	Total	58,775 VOTES (100%)

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

C.	FOR COUNCIL DISTRICT 9 (four-year term)	
	GEORGETTE GOMEZ	20,075 VOTES (54.76%)
	RICARDO FLORES	16,583 VOTES (45.24%)
	Total	36,658 VOTES (100%)

Georgette Gomez, having received a majority of all votes cast, is hereby declared elected to the office of Councilmember, District No. 9.

III

The number of votes cast in the City for and against each of the twelve measures which appeared on the Municipal Special Election ballot as Measures C, D, E, F, G, H, I, J, K, L, M and N, and the total number of votes cast upon each measure, are as follows:

MEASURE C

FOR	237,597 VOTES (43.64%)
AGAINST	306,887 VOTES (56.36%)
Total	544,484 VOTES (100%)

This measure required a two-thirds vote. Measure C did not receive the affirmative vote of two-thirds of the qualified voters voting on such measure and is hereby declared to have been defeated.

MEASURE D

FOR	211,739 VOTES (41.12%)
AGAINST	303,144 VOTES (58.88%)
Total	514,883 VOTES (100%)

This measure required a two-thirds vote. Measure D did not receive the affirmative vote of two-thirds of the qualified voters voting on such measure and is hereby declared to have been defeated.

MEASURE E

FOR	419,748 VOTES (87.06%)
AGAINST	62,400 VOTES (12.94%)
Total	482,148 VOTES (100%)

This measure required a majority vote. Measure E received the affirmative vote of a majority of the qualified voters voting on such measure and is hereby declared to have been approved.

MEASURE F

FOR	317,803 VOTES (68.27%)
AGAINST	147,720 VOTES (31.73%)
Total	465,523 VOTES (100%)

This measure required a majority vote. Measure F received the affirmative vote of a majority of the qualified voters voting on such measure and is hereby declared to have been approved.

MEASURE G

FOR	404,803 VOTES (83.09%)
AGAINST	82,372 VOTES (16.91%)
Total	487,175 VOTES (100%)

This measure required a majority vote. Measure G received the affirmative vote of a majority of the qualified voters voting on such measure and is hereby declared to have been approved.

MEASURE H

FOR	360,127 VOTES (77.09%)
AGAINST	107,047 VOTES (22.91%)
Total	467,174 VOTES (100%)

This measure required a majority vote. Measure H received the affirmative vote of a majority of the qualified voters voting on such measure and is hereby declared to have been approved.

MEASURE I

FOR	383,025 VOTES (77.92%)
AGAINST	108,565 VOTES (22.08%)
Total	491,590 VOTES (100%)

This measure required a majority vote. Measure I received the affirmative vote of a majority of the qualified voters voting on such measure and is hereby declared to have been approved.

MEASURE J

FOR	336,810 VOTES (71.10%)
AGAINST	136,933 VOTES (28.90%)
Total	473,743 VOTES (100%)

This measure required a majority vote. Measure J received the affirmative vote of a majority of the qualified voters voting on such measure and is hereby declared to have been approved.

MEASURE K

FOR	280,075 VOTES (59.03%)
AGAINST	194,412 VOTES (40.97%)
Total	474,487 VOTES (100%)

This measure required a majority vote. Measure K received the affirmative vote of a majority of the qualified voters voting on such measure and is hereby declared to have been approved.

MEASURE L

FOR	305,638 VOTES (65.79%)
AGAINST	158,911 VOTES (34.21%)
Total	464,549 VOTES (100%)

This measure required a majority vote. Measure L received the affirmative vote of a majority of the qualified voters voting on such measure and is hereby declared to have been approved.

MEASURE M

FOR	328,588 VOTES (66.41%)
AGAINST	166,171 VOTES (33.59%)
Total	494,759 VOTES (100%)

This measure required a majority vote. Measure M received the affirmative vote of a majority of the qualified voters voting on such measure and is hereby declared to have been approved.

MEASURE N

FOR	351,088 VOTES (68.68%)
AGAINST	160,109 VOTES (31.32%)
Total	511,197 VOTES (100%)

This measure required a majority vote. Measure N received the affirmative vote of a majority of the qualified voters voting on such measure and is hereby declared to have been approved.

IV

The number of votes cast in each precinct for each candidate, and for and against the measures, is recorded in the Election Returns Book, which book is authorized and is considered to be a part of the record of this Council.

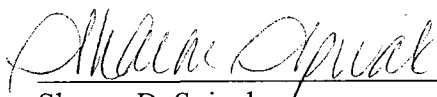
V

The City Clerk is directed to file the charter amendments with the California Secretary of State in accordance with California Government Code section 34460.

VI

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

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Sharon B. Spivak
Deputy City Attorney

SBS:jdf
12/08/16
Or.Dept:City Clerk
Doc. No.: 1351440_2

Passed by the Council of The City of San Diego on DEC 12 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<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"/>
District 3 (Vacant)	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 12 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.

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

(Seal)

By *Sty Orndorff*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 310869