

**PROPOSED CHARTER AMENDMENTS
AND
PROPOSITION TO RATIFY AN
ORDINANCE
TOGETHER WITH ARGUMENTS**

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To Be Submitted to the Qualified Voters
of The City of San Diego at the

**SPECIAL MUNICIPAL ELECTION
TO BE HELD ON TUESDAY,
JUNE 4, 1968**

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The following propositions will be submitted to the qualified voters of The City of San Diego on Tuesday, June 4, 1968.

JOHN LOCKWOOD
City Clerk

PROPOSITION A

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION A. CITY OF SAN DIEGO CHARTER AMENDMENT: AMEND SECTION 80 AND SECTION 99 OF THE CHARTER OF THE CITY OF SAN DIEGO.	YES	
Shall the Charter be amended to include a debt limitation provision consistent with the Constitution of the State of California, and to remove certain inconsistent provisions now contained in Section 80 and Section 99?	NO	

This proposition amends Section 80 and Section 99 of the Charter of The City of San Diego by deleting certain provisions and by adding new provisions. The portions to be deleted are printed in STRIKE-OUT TYPE and the portions to be added are underlined.

This proposition requires a majority vote.

Section 80. MONEY REQUIRED TO BE IN TREASURY.

No contract, agreement, or other obligation, involving the expenditure of money out of appropriations made by the Council, in any one fiscal year shall be entered into, nor shall any order for such expenditure be valid unless the Auditor and Comptroller shall first certify to the Council that the money required for such contract, agreement or obligation for such year is in the treasury to the credit of the appropriation from which it is to be drawn and that it is otherwise unencumbered. The certificate of the Auditor and Comptroller shall be filed and made a matter of record in his office and the sum so certified as being in the treasury shall not thereafter be considered unencumbered until the City is discharged from the contract, agreement or obligation. All unencumbered moneys actually in the treasury to the credit of the appropriation from which ~~an~~ a contract, agreement or obligation is to be paid, and all moneys applicable to its payment which before the maturity thereof, are anticipated to come into the treasury to the credit of such appropriation shall, for the purpose of such certificate, be deemed in the treasury to the credit of the appropriation from which the contract, agreement or obligation is to be paid. ~~The Council may approve a contract subject to a vote of two thirds of the electors, extending over a period of years for additions to the real estate, water plant, harbor, or other revenue producing utilities, in excess of the estimated revenue of the year, if in the opinion of the Auditor and Comptroller and the Council there will be money available to meet the payments on the contract as they come due. Provided, however, that nothing herein contained shall be construed as authorizing the incurring of indebtedness in excess of that limited by Section 76 of this Article.~~

Section 99. CONTINUING CONTRACTS.

~~No contract or obligation involving the payment of money out of the appropriations of more than one year, except bonded indebtedness provided for in Section 90 of this Article, shall be~~

~~entered into unless there shall first have been notice published in the official newspaper of the City at least two weeks before final action of the Council thereon. Such a contract shall require the approval of not less than five members of the Council. If the contract is to be for a period of more than five years it must also first be submitted to the electors of the City at a regular or special election and be approved by a two-thirds majority of those voting thereon. Any contract entered into in violation of the requirements of this section shall be invalid, and no rights, indebtedness, liabilities or obligations shall arise thereunder or be created thereby.~~

~~The City shall not incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year unless the qualified electors of the City, voting at an election to be held for that purpose, have indicated their assent as then required by the Constitution of the State of California, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof, on or before maturity, which shall not exceed forty years from the time of contracting the same; provided, however, anything to the contrary herein notwithstanding, when two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when the qualified electors of the City, voting at an election for that purpose have indicated their assent as then required by the Constitution of the State of California, such proposition shall be deemed adopted. No contract, agreement or obligation extending for a period of more than five years may be authorized except by ordinance adopted by a two-thirds' majority vote of the members elected to the Council after holding a public hearing which has been duly noticed in the official City newspaper at least ten days in advance.~~

ARGUMENT FOR PROPOSITION A

Sections 80 and 99 are the "dry as dust" provisions of our City Charter. As presently written, their ambiguities complicate City proposals for financing municipal improvements and they differ from similar provisions in the State Constitution. While our courts in a long series of decisions have set forth public financing limitations under the Constitution, the City does not have the benefit of these decisions in interpreting Sections 80 and 99 of our Charter. Needless expense, delays and prolonged litigation are the results. The amendments to Section 99, if adopted, will require that any contract or agreement of more than five years can only be authorized, after a public hearing, by a two-thirds' vote of the Council, whose action then will be subject to the referendum. This addition will enable the taxpayer to protest long-term projects not otherwise subject to a vote of the people. Section 80 is proposed to be amended by removing certain provisions inconsistent with other Charter sections. As changed, this section will then be in line with Section 99 and both sections, if the amendments are adopted, will bring our Charter

into conformity with the protections afforded by the State Constitution. These amendments are most essential to the orderly and economic functioning of your City government.

ED BUTLER
City Attorney
City of San Diego

ARGUMENT AGAINST PROPOSITION A

No argument against this proposition was filed in the Office of the City Clerk.

Failed

PROPOSITION B

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION B. CITY OF SAN DIEGO CHARTER AMENDMENT: AMEND SECTION 117 OF THE CHARTER OF THE CITY OF SAN DIEGO.	YES	37,817
Shall the Charter be amended to provide for assistants to the Mayor and to the City Council to be in the unclassified service of the City?	NO	125,863

This proposition amends Section 117 of the Charter of The City of San Diego by deleting certain provisions and by adding new provisions. The portions to be deleted are printed in STRIKE-OUT TYPE and the portions to be added are underlined.

This proposition requires a majority vote.

Section 117. UNCLASSIFIED AND CLASSIFIED SERVICES.

Employment in the City shall be divided into the Unclassified and Classified Service.

(a) The Unclassified Service shall include:

1. All elective City Officers
2. Members of all boards and commissions.
3. All department heads and one principal assistant or deputy in each department
4. ~~One Assistant~~ Assistants to the Mayor and to the City Council
5. City Manager, Assistant City Manager, and Assistants to the City Manager
6. City Clerk
7. Budget Officer
8. Purchasing Officer
9. Treasurer

10. All Assistant and Deputy City Attorneys
 11. Industrial Coordinator
 12. The Planning Director
 13. A Confidential Secretary to the Mayor, City Council, City Manager, Police Chief, City Attorney
 14. Officers and employees of San Diego Unified School District
 15. Persons employed in positions for expert professional temporary service when such positions are exempted from the Classified Service for a specified period of temporary service by order of the Civil Service Commission
 16. Interns including, but not limited to, Administrative Interns and Legal Interns, temporarily employed in regularly established training programs as defined in the job specifications of the City.
- (b) The Classified Service shall include all positions not specifically included by this section in the Unclassified Service; provided, however, that the incumbents in the positions of the Planning Director and the Principal Assistant to the Planning Director on January 1, 1963 shall remain in the Classified Service until the respective positions are vacated by the incumbents.

ARGUMENT FOR PROPOSITION B

The proposed amendment to Charter Section 117 would provide more flexibility in the selection of assistants to the Mayor and City Council.

The Civil Service system is an excellent and indispensable method of selecting employees for most jobs. However, the Mayor and Council require assistants whose specialized abilities can better be obtained outside the standard personnel recruitment procedures. These assistants work for and are directly responsible to the Mayor and the City Councilmen.

The proposal to take these assistants out of the Civil Service is in accordance with the long-established practice of designating as unclassified employees key government officials, their immediate aids and their personal secretaries, as is the practice in the City Manager's Departments and the City Attorney's Office.

This amendment in no way increases the number of employees in these offices. Any increase in staffing which may be necessary from time to time would have to be approved as part of the City's annual operating budget.

MILDRED PERRY WAITE
President
San Diego Civil Service Commission

ARGUMENT AGAINST PROPOSITION B

VOTE NO on this charter amendment to stop one more needless increase in your already staggering tax bill.

This charter amendment will permit the Mayor and eight City Councilmen to have their own personal assistants outside city civil service, but paid for by city tax monies.

This could increase taxes by over \$75,000.00 annually.

Personal assistants for the council and mayor would be political in nature and is contrary to the City's Council-Manager form of government.

We do not need political empire building in San Diego. **VOTE NO!**

DONALD J. HARTLEY

Chairman

Concerned Citizens for Good Government

PROPOSITION C

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION C. RATIFICATION OF ORDINANCE NO. 9786 (NEW SERIES) AUTHORIZING THE SALE, LEASE OR EXCHANGE OF CERTAIN PUEBLO LANDS.	YES	
Shall Ordinance No. 9786 (New Series) of the Ordinances of The City of San Diego entitled "AN ORDINANCE AUTHORIZING THE SALE AND CONVEYANCE OR EXCHANGE AND CONVEYANCE OF 152 ACRES WITHIN PUEBLO LOTS 1274, 1275, 1304, 1305, 1306, 1318, 1319, 1351, 1353 AND 1355 TO THE STATE OF CALIFORNIA; AND THE SALE AND CONVEYANCE OF 15 ACRES WITHIN PUEBLO LOT 1318 TO THE SAN DIEGO UNIFIED SCHOOL DISTRICT; AND THE SALE AND CONVEYANCE OR LEASE AND CONVEYANCE OF 93 ACRES WITHIN PUEBLO LOTS 1274, 1275, 1305, 1306, 1317, 1318, 1319 AND 1355 FOR PURPOSES CONSISTENT WITH THE UNIVERSITY COMMUNITY PLAN, ALL OF SUCH SALES, EXCHANGES OR LEASES TO BE UPON SUCH TERMS AND CONDITIONS AS MAY BE DEEMED BY THE CITY COUNCIL TO BE IN THE BEST INTERESTS OF THE PEOPLE OF THE CITY OF SAN DEIGO." adopted by the Council of the City on March 26, 1968 be ratified?	NO	

This proposition requires a majority vote.

**"ORDINANCE NO. 9786
(New Series)**

AN ORDINANCE AUTHORIZING THE SALE AND CONVEYANCE OR EXCHANGE AND CONVEYANCE OF 152 ACRES WITHIN PUEBLO LOTS 1274, 1275, 1304, 1305, 1306, 1318, 1319, 1351, 1353 AND 1355 TO THE STATE OF CALIFORNIA; AND THE SALE AND CONVEYANCE OF 15 ACRES WITHIN PUEBLO LOT 1318 TO THE SAN DIEGO UNIFIED SCHOOL DISTRICT; AND THE SALE AND CONVEYANCE OR LEASE AND CONVEYANCE OF 93 ACRES WITHIN PUEBLO LOTS 1274, 1275, 1305, 1306, 1317, 1318, 1319 AND 1355 FOR PURPOSES CONSISTENT WITH THE UNIVERSITY COMMUNITY PLAN, ALL OF SUCH SALES, EXCHANGES OR LEASES TO BE UPON SUCH TERMS AND CONDITIONS AS MAY BE DEEMED BY THE CITY COUNCIL TO BE IN THE BEST INTERESTS OF THE PEOPLE OF THE CITY OF SAN DIEGO.

BE IT ORDAINED, by the Council of The City of San Diego as follows:

Section 1. The City Manager of The City of San Diego is hereby authorized and empowered to sell and convey or exchange and convey 152 acres, more or less, or any portion of such 152 acres lying within Pueblo Lots 1274, 1275, 1304, 1305, 1306, 1318, 1319, 1351, 1353 and 1355 of the Pueblo Lands of San Diego to the State of California for highway purposes.

Section 2. The City Manager of The City of San Diego is hereby authorized and empowered to sell and convey 15 acres, more or less, or any portion of such 15 acres lying within Pueblo Lot 1318 of the Pueblo Lands of San Diego to the San Diego Unified School District for school purposes.

Section 3. The City Manager of The City of San Diego is hereby authorized and empowered to sell and convey or lease and convey 93 acres, more or less, or any portion of such 93 acres, lying within Pueblo Lots 1274, 1275, 1305, 1306, 1317, 1318, 1319 and 1355 of the Pueblo Lands of San Diego so long as such sales or leases and the uses and development of property so sold or leased are consistent with and in the furtherance of the University Community Plan as now adopted or as it may be hereafter amended.

Section 4. All sales, exchanges or leases shall be made upon such terms and conditions as may be deemed by the City Council to be in the best interests of the people of the City of San Diego.

Section 5. This ordinance shall become effective only after it is affirmatively approved by majority vote of the qualified voters of the City of San Diego voting at a special municipal election to be held in the City of San Diego on the fourth day of June, 1968, at which a proposition to ratify this ordinance shall be submitted.

APPROVED: EDWARD T. BUTLER, City Attorney
By BRIAN J. NEWMAN-CRAWFORD,
Brian J. Newman-Crawford, Deputy

Passed and adopted by the Council of The City of San Diego on March 26, 1968, by the following vote:

YEAS Councilmen: Cobb, Loftin, Scheidle, Hom, Morrow, Hitch.

NAYS Councilmen: None.

ABSENT — Councilmen: Walsh, Schaefer, Curran.

FRANK CURRAN,

Mayor of The City of San Diego, California.

JOHN LOCKWOOD,

City Clerk of The City of San Diego, California.

By CAROL POULOS, Deputy.

AUTHENTICATED BY:
(SEAL)

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until six calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on March 19, 1968, and on March 26, 1968.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

JOHN LOCKWOOD,

City Clerk of The City of San Diego, California.

(SEAL)

By CAROL POULOS, Deputy."

ARGUMENT FOR PROPOSITION C

The purpose of the Ratification Ordinance is to provide for the conveyance of approximately 152 acres for State Highway purposes in connection with the Interstate 805 Boundary Freeway. The Boundary Freeway will serve as a major crosstown freeway system which will intertie with Interstate 8 and 94 as well as the major street system of the City of San Diego. Fifteen acres under this ordinance are allocated for conveyance to the Unified School District for the development of an elementary school facility in support of future surrounding housing development. An additional 93 acres are proposed for lease or sale for residential or other uses consistent with the University Community Master Plan.

The ratification of this land will provide improved access to contiguous privately-owned land and also improve the development plottage of City-owned land already ratified. Proper

consideration has been given to lands which should be retained by the City for park sites and open space as designated on the University Community Master Plan.

During the past 10 years the City of San Diego has conveyed approximately 2,600 acres of Pueblo Lands. During the same period, however, the City has acquired approximately 6,700 acres in public ownership (3,135 acres in Utilities property, 1,155 for Public Works, 952 for parks and 1,451 for libraries, Police, fire stations and future major streets). Compared to the original Pueblo Land Grant of 47,324 acres, the City of San Diego now has under city ownership approximately 50,000 acres.

W. L. MacFARLANE
Property Director
City of San Diego

ARGUMENT AGAINST PROPOSITION C

The electorate of San Diego should know the full significance of ratifying the sale, lease or other exchange of the 260 acres of Pueblo Lands in this proposition. The ratification would dispose of yet another portion of the ever-dwindling open space which the City itself has assured us in its General Plan we should "acquire and retain to promote a more desirable urban environment."

One of the goals advocated by the City General Plan is: "... projection and realization of a comprehensive system of open space within the San Diego Metropolitan Area." With less than ten percent of the original Pueblo Lands remaining, are we to dispose of these in the face of the growing need for more open space as our population expands? When we have disposed of the last of our Pueblo Lands are we then to turn about and begin to acquire open space which assuredly can then be obtained only at enormous cost and inconvenience? This generation must not pass on that kind of legacy to its successors.

Wholesale disposal in a single block would be condemned vigorously by the electorate we are sure; piecemeal disposal yielding the same eventual result should be just as vigorously opposed. The justification of each piecemeal yielding can always be made to appear necessary, reasonable and even economical; yet the result is in the end the same.

We submit that this proposition should be defeated to demonstrate the citizens' concern for retaining their Pueblo Lands.

LAURALEE BENNETT
Chairman
Committee to Save Open Space