

#201
10-16-95



OFFICE OF THE CITY CLERK

REPORT

DATE: SEPTEMBER 21, 1995 REPORT NO: 95-04 (Rev.)
TO: HONORABLE MAYOR AND CITY COUNCIL
SUBJECT: PROPOSED AMENDMENTS TO COUNCIL POLICY 000-21 PERTAINING TO THE SUBMISSION OF BALLOT PROPOSALS

ISSUE

At the City Council meeting on January 23, 1995, the City Clerk was directed to work with the City Attorney, in consultation with the Retirement Administrator, to develop a Council Policy governing Charter Amendments affecting the Retirement System. Specifically, we were asked to develop procedures for bringing proposed amendments to the City Council, and to resolve who would pay the costs associated with such proposals.

RECOMMENDATION

Adopt amendments to Council Policy 000-21 as proposed.

DISCUSSION

Current Council Policy 000-21 provides a procedure for the submittal of ballot proposals by members of the public. It does not specifically outline a process for the submittal of ballot proposals by the City Manager, independent department directors, or any public agency. This has resulted in confusion, and in some instances, little time for consideration of proposals prior to an election.

The proposed amendments to Council Policy 000-21 clarify the existing procedures for the submittal of ballot proposals by members of the public. Additionally, they establish a separate procedure for the submittal of ballot proposals by the City Manager, independent department directors, and public agencies, including the Retirement Board of Administration. The proposed amendments also clarify what entity should pay the costs associated with a ballot proposal.

Specifically, the proposed changes include:

a. The Background section has been updated and clarifies that the City Clerk is authorized by the Municipal Code to oversee the conduct of elections within the City of San Diego.


b. Section I is a restatement of the existing policy regarding the submittal of ballot proposals by members of the public, with some additional notes on the process. This includes a clarification (D) that the Rules Committee may approve or reject proposals submitted for review, and that only those approved or forwarded to the full Council will be brought to the City Council for action. Additionally, the format has been changed to make it clearer.

c. Section II is a new section that outlines a process for the submittal of ballot proposals by the City Manager, independent department directors, or a public agency. It will require that the Request for Council Action (1472) be submitted to the City Clerk. The City Clerk will then forward it to the Rules Committee Consultant for inclusion on the Docket of the Council meeting at least 120 days before the election, as noted in the Clerk's calendar for the submission of ballot proposals. This is the meeting at which the Council directs the City Attorney to prepare the necessary ordinances for the election.

d. Sections III, IV and V are restatements of language in the existing policy.

e. Section VI is a new section that addresses the issue of what entity will pay for ballot propositions. It establishes that the City Manager will make recommendations on the source of funding for individual ballot proposals at the time each proposal comes forward. It also specifies that ballot proposals should be funded by the department, fund or agency that derives the greatest benefit from the passage of the proposal.

Respectfully Submitted,



Charles G. Abdelnour
City Clerk

CGA:JL
Attachments

PROPOSED AMENDMENTS TO COUNCIL POLICY #000-21

SUBMISSION OF BALLOT PROPOSALS

#000-21

BACKGROUND

The San Diego Municipal Code authorizes the City Clerk to oversee the conduct of elections within the City of San Diego. At the present time an ~~no~~ established procedure exists for Council consideration of ballot proposals submitted by members of the public proposed ballot measures, which includes ~~This often results in a lack of~~ public notification and little time for consideration of proposals by the Rules Committee prior to their consideration by the Council. In addition, due to a 1975 amendment to the City Charter, primary elections for councilmanic seats may not be conducted throughout the entire city. There is, however, no specific procedure for the submittal of ballot proposals by the City Manager, independent department directors, or a public agency. This results in confusion and, in some instances, little time for consideration of proposals prior to an election.

PURPOSE

~~To establish a procedure for notification and submittal of ballot proposals and~~

1. To limit consideration of ballot proposals to only those elections that are conducted throughout the entire city.
2. To establish procedures for the submittal of ballot proposals to the City Council, by members of the public, the City Manager, independent department directors, or a public agency.

DEFINITIONS

For the purpose of this Council Policy, "public agency" means the San Diego Unified School District, San Diego Community College District, Retirement Board of Administration, and any similar entity.

POLICYI. Submittal of ballot proposals by members of the public:

A. Ballot proposals may be submitted at any time ~~in~~ to the office of the City Clerk.

B. The City Clerk shall transmit promptly such submitted proposals to the Rules Committee Consultant, ~~who~~

C. The Rules Committee Consultant shall place them the proposals on the Rules Committee meeting agenda for subsequent review and comment by the Committee.

~~Proposals that have received Rules Committee review and comment shall be referred to the City Clerk who shall maintain them on file until such time as action by the Council is required for placing propositions before the electorate.~~

1. The Rules Committee may request that Proponents of a proposals and or a City Departments to which the Rules Committee has referred proposals for analysis shall furnish background information, and results of such provide an analysis of the proposal and report back to the Committee.

2. Following the Committee's final review the background information and report materials shall be transmitted to the City Clerk for inclusion with council exhibit materials when the item subsequently appears on the Council docket. A proposal that has received Rules Committee review and comment, and that is being forwarded to the Council for consideration, shall be referred to the City Clerk. The Clerk shall maintain it on file until such time as action by the Council is required for placing propositions before the electorate. This is generally the Council meeting held at least 120 days before the election, as established by the Clerk's Calendar for the submission of ballot proposals. Background information and report materials shall be transmitted to the City Clerk for inclusion with Council exhibit materials when the item appears on the Council Docket.

D. The Rules Committee may approve or reject proposals submitted for review. Only those proposals approved or forwarded to the full Council by the Committee will be brought to the City Council for action.

E. Ballot propositions shall be placed before the electorate only at elections which are conducted throughout the entire City. Prior to each regularly scheduled city-wide election, the City Clerk shall prepare a calendar for the submission of ballot proposals, which will include the deadlines established by this policy.

1. At least one hundred sixty-nine (169) days prior to any regularly scheduled city-wide such election, the City Clerk shall place on the docket a notice of Council consideration of ballot proposals and a notice of the last date for submittal of ballot proposals to the City Clerk to enable required review by the Rules Committee prior to Council consideration for the upcoming election.

2. At least one hundred twenty-seven (127) days prior to the election the City Clerk shall list on the Council docket under PUBLIC NOTICE the ballot proposals that have been referred back to the Clerk by the Rules Committee following Committee review. This includes only those proposals which have been forwarded to the Council for consideration.

3. At the Council meeting scheduled at least one hundred twenty (120) days before the election, which is the meeting at which the Council is ~~required to direct~~ the City Attorney to prepare the necessary resolutions and ordinances for the city-wide election, the City Clerk shall list on the docket for Council consideration the ballot proposals that were listed on the previous week's docket.

II. Submittal of ballot proposals by the City Manager, independent department directors, or a public agency:

A. The City Manager, independent department director, or public agency, shall submit ballot proposals to the City Clerk for consideration by the Council. Proposals shall be submitted no later than 5:00 p.m. on the working day prior to the Clerk's docket deadline, for the Council meeting at which the Council directs the City Attorney to prepare the necessary ordinances for the election. This meeting must be held at least one hundred and twenty (120) days before the election, as noted in the Clerk's calendar for the submission of ballot proposals.

B. Proposals shall consist of a Request for Council Action (1472) and shall include a proposed resolution directing the City Attorney to prepare appropriate ballot language for the proposal.

C. The Clerk shall transmit promptly such submitted proposals to the Rules Committee Consultant in time for review and placement on the docket of the Council meeting at least 120 days prior to the election, as noted in the Clerk's calendar for the submission of ballot proposals.

D. The Rules Committee Consultant shall place the proposals on the Council Docket of the meeting at least 120 days prior to the election.

III. General Plan amendments to shift land from Future Urbanizing to Planned Urbanizing area:

Notwithstanding the procedures outlined in Sections I and II, Proposed amendments to the General Plan in connection with redesignations of land areas that are currently designated as "Future Urbanizing", whether submitted by the public, the City Manager, independent department director, or public agency, shall be subject to the procedures of Council Policy 600-30 instead of this Policy.

IV. Council adoption of ballot propositions:

Notwithstanding the foregoing procedures outlined in Sections I and II, the City Council may at any time under the Rules of the Council adopt ballot propositions to be placed before the electorate.

V. Proposals to amend the City Charter:

All proposals to amend the City Charter shall be in writing with old language to be removed in strike-out and new language to be added underlined.

VI. Election costs for ballot proposals submitted by members of the public, the City Manager, independent department directors, or a public agency, adopted by the City Council:

The City Manager will make recommendations on the source of funding for individual ballot proposals, which may include, but is not limited to, the Citywide Program Expenditures-Citywide Elections budget, non-general fund budget, or agency budget. In general, ballot proposals should be funded by the department, fund or agency deriving the greatest benefit from the passage of said proposal.

HISTORY

Adopted by Resolution R-216008	05/19/76
Amended by Resolution R-258191	04/04/83
Amended by Resolution R-260437	04/09/84
Amended by Resolution R-264709	12/16/85

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CLERK'S CALENDAR FOR THE
SUBMISSION OF BALLOT PROPOSALS
FOR ELECTION OF MARCH 26, 1996

Any member of the public may submit ballot proposals for the March 26, 1996 Primary Election, in accordance with Council Policy 000-21. Proposals must be submitted to the City Clerk by 10:00 a.m. September 29, 1995. These proposals will be transmitted to the Rules Committee for review and comment. Those referred back to the full Council after Rules Committee review will be listed on the Council Docket no later than October 30, 1995.

The City Clerk's Office has established the following administrative timeline for the March 26, 1996 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	09/29/95	178	Last Date (10:00 a.m.) to submit proposal to City Clerk for review by Rules Committee
Monday	10/16/95	161	Rules Committee review
Tuesday	10/24/95	153	Deadline for the City Manager, independent * department directors, or a public agency to submit ballot proposals to the City Clerk's Office for consideration by Council.
Monday	10/30/95	147	Council Docket lists proposals reviewed by Rules Committee
Monday	11/06/95 through 11/27/95	140 to 119	Council considers propositions for ballot and directs City Attorney to prepare ordinances
Monday	12/04/95	112	Council adopts ordinances prepared by City Attorney
Friday	12/29/95	88	Last day for City Clerk to file with Registrar of Voters <u>all</u> elections material

NOTE: Because of the Legislative Recess from December 11 through December 29, 1995, all dates are significantly earlier than those set by Council Policy 000-21.

If you have any questions, please contact the Office of the City Clerk at 533-4025.

* This is a new deadline that would be included in future Clerk's Calendars should Council Policy 000-21 be amended.