



OFFICE OF THE CITY CLERK

REPORT

TO THE HONORABLE MAYOR AND CITY COUNCIL

DATE: July 2, 2001

REPORT NO.: 01-03

SUBJECT: DOCKETING OF "BAN THE BAN II" REFERENDARY PETITION

On May 30, 2001, proponents of "Ban the Ban II" filed with my office referendary petitions to repeal Ordinance No. 0-18938 (N.S.), which prohibits alcohol consumption at certain City beaches. The petition was filed within the prescribed time period of 30 days following final adoption of the ordinance by Council.

On June 21, 2001, the Registrar of Voters completed the petition signatures verification and provided us formal certification of the results. The petition was found to contain the valid signatures of over five percent of the City's registered voters as required by the Charter to qualify the legislative act for repeal by the City Council or for direct submission to the electorate (see attached City Clerk Certificate).

Action by Council for a referendary petition is set forth in Municipal Code Section 27.1131. It states in part that if the petition is presented to the City Council by the City Clerk, the City Council must within ten business days reconsider the legislative act in question. Further, Municipal Code Section 27.1132 provides that if the City Council refuses to grant the referendary petition to repeal the legislative act, or fails to reconsider the act within the prescribed time frame, the Council shall adopt a resolution of intention to submit the matter to the voters at a special election and direct the City Attorney to prepare an ordinance calling a special election placing the matter on the ballot.

The timing of an election is discussed in Municipal Code Section 27.1133. It specifies that the special election must be held within eleven months of the adoption of the resolution to submit the matter to the voters. It also provides that the special election may be consolidated with any other City-wide election scheduled to be held within eleven months. Therefore, should the Council wish to submit the matter to the voters, the issue could be placed on the ballot of the City's municipal primary election

scheduled for March 5, 2002, consolidated with the state primary election. Based on recent estimates from the Registrar of Voters, we anticipate that the cost of a ballot measure in March will be between \$150,000 - \$180,000.

In summary, when the petition is presented to Council, the Council may take any of three actions:

1. Grant the petition to repeal the legislative act in question; or
2. Reject the petition to repeal the legislative act and direct the City Attorney to prepare an ordinance calling an election to place the matter on the ballot. In no event shall the election be held later than eleven months from the date the Council adopts the resolution to submit the matter to the voters; or
3. Take no action, in which case the Council has ten business days from the date the petition is presented to Council to repeal the legislative act; after that date, the Council must adopt a resolution of its intent to submit the matter to the voters.

If you have questions, please contact Deputy Director Joyce Lane at 533-4024.

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Abdelnour", written over the printed name.

Charles G. Abdelnour
City Clerk


CGA:JL
Attachment (City Clerk's Certificate)

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

CERTIFICATE OF CITY CLERK

I, CHARLES G. ABDELNOUR, City Clerk of The City of San Diego, California,
DO HEREBY CERTIFY the following results of the examination of the petition filed by
Ban the Ban II on May 30, 2001, EXHIBIT A, attached.

- (a) That the petition contained 51,729 signatures.
- (b) That 44,741 signatures were examined and 31,631 signatures of qualified electors of the City of San Diego were found to be valid.
- (c) That for qualification, a referendary petition shall be signed by at least five (5) percent of the registered electors in the City at the last preceding General Municipal Election. The basic qualification criterion for this petition is 31,631 signatures.
- (d) That since the number of valid signatures on the petition meets the basic qualification criterion, the petition qualifies for submission to the voters of the City.


CHARLES G. ABDELNOUR, City Clerk

(SEAL)

Dated at San Diego, California
this 21st day of June, 2001