



OFFICE OF THE CITY CLERK

REPORT

TO THE HONORABLE MAYOR AND CITY COUNCIL

DATE: September 28, 2011

REPORT NO.: 11-03

SUBJECT: DOCKETING OF INITIATIVE PETITION – FAIR AND OPEN
COMPETITION

On September 2, 2011, proponent Bobby Glaser filed with my office an initiative petition pertaining to a Fair and Open Competition in Construction Ordinance. The petition was filed on time and in compliance as required by San Diego Municipal Code sections 27.1019 and 27.1020.

Upon completion of a prima facie review, the petition was accepted as filed, in accordance with Municipal Code section 27.1021, and delivered to the Registrar of Voters for signature verification.

On Wednesday, September 21, 2011, the Registrar of Voters completed its verification of the petition signatures and provided me with formal certification of the results. The Registrar of Voters found the petitions contain the valid signatures of over ten percent of the City's registered voters at the last general election, as required by Charter section 23.

The Council's possible actions on an initiative petition are set forth in Municipal Code section 27.1034. That section states in part that if the petition is presented to the City Council by the City Clerk at a Council meeting, the City Council "shall within ten business days of the date of presentation adopt or reject the legislative act as presented, but may not amend it." Municipal Code section 27.1035 provides that if the City Council rejects the legislative act, or fails to act within the prescribed time frame, the Council shall, within ten business days of the date of refusal or of the deadline for action, whichever is earlier: (a) adopt a resolution of intention to submit the matter to the voters at a special election; and (b) direct the City Attorney to prepare an ordinance calling a special election to place the matter on the ballot.

The timing of such a special election is discussed in Municipal Code section 27.1037. That section specifies a *special election* for an initiated legislative act may be consolidated with the next *City-wide Primary* or *City-wide General Election* at which the matter can be placed on the

ballot; or a separate *special election* may be called for the purpose of voting on the matter. The next City-wide election is scheduled to be held June 5, 2012.

The Council would need to hold another hearing to call the election, which must be done at least three months before the election to comply with state law. Based on the most recent estimate from the Registrar of Voters, we anticipate that the cost of a 5-page ballot measure placed on the June 5, 2012 ballot would be between \$556,000 - \$649,000.

In summary, when an initiative petition is presented to Council by the Clerk at a Council meeting, the Council may, within ten business days:

1. Adopt the legislative act in question; or
2. Adopt a resolution of intention to hold a special election, and direct the City Attorney to prepare an ordinance calling an election to place the matter on the ballot. The election can be consolidated with the next scheduled city-wide election; or
3. Take no action within ten business days of the Clerk's presentation of the petition to the Council at a Council meeting. If this occurs, the Council has ten business days from the date of its refusal of the initiative petition or its deadline to take action to reconsider the act, to then adopt a resolution of intention to submit the matter to the voters, and direct the City Attorney to prepare an ordinance to call a special election.

If you have questions, please contact me at (619) 533-4080 or my Deputy Director, Bonnie Stone, at 533-4060.

Sincerely,


Elizabeth Maland
City Clerk

Attachment (City Clerk's Certificate)

cc: City Attorney
Chief Operating Officer