

COUNTY OF SAN DIEGO

## REGISTRAR OF VOTERS

### Sample Ballot & Voter Information Pamphlet

# GUBERNATORIAL GENERAL ELECTION

Tuesday, November 2, 2010

### PROTECT YOUR VOTE

#### KEY WAYS TO MAKE YOUR VOTE COUNT

- ✓ MARK YOUR BALLOT as instructed.
- ✓ VOTE AT YOUR ASSIGNED POLLING PLACE so all your votes will count. (See label on back cover.)
- ✓ If you VOTE BY MAIL, save this pamphlet; your official ballot will be mailed separately. Be sure to sign the return envelope and mail it promptly.
- ✓ DO YOU WANT TO VOTE BY MAIL? (See back cover.)

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**OFFICIAL BALLOT**  
**SAN DIEGO COUNTY, CALIFORNIA**  
**GUBERNATORIAL GENERAL ELECTION**  
**NOVEMBER 2, 2010**

<b>STATE PROPOSITIONS</b>	<b>LOCAL PROPOSITIONS</b>
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**PROP 27** ELIMINATES STATE COMMISSION ON REDISTRICTING. CONSOLIDATES AUTHORITY FOR REDISTRICTING WITH ELECTED REPRESENTATIVES. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE. Eliminates 14-member redistricting commission. Consolidates authority for establishing state Assembly, Senate, and Board of Equalization districts with elected representatives who draw congressional districts. Fiscal Impact: Possible reduction of state redistricting costs of around \$1 million over the next year. Likely reduction of these costs of a few million dollars once every ten years beginning in 2020.

YES

NO

**COUNTY PROPOSITION**

**COUNTY OF SAN DIEGO**

**PROP A** PROPOSED SAN DIEGO COUNTY CHARTER AMENDMENT TO ENSURE FAIR AND OPEN COMPETITION FOR COUNTY CONSTRUCTION CONTRACTS. Shall the San Diego County Charter be amended to prohibit the County from requiring the use of project labor agreements on County construction projects except where required by State or federal law?

YES

NO

**CITY OF SAN DIEGO**

**PROP B** AMENDS CITY CHARTER TO ADD GOOD CAUSE REQUIREMENT FOR CERTAIN TERMINATIONS OR SUSPENSIONS OF DEPUTY CITY ATTORNEYS. Shall the Charter be amended to establish a good cause requirement for the termination or suspension of Deputy City Attorneys who have served continuously for two years or more, except that any Deputy City Attorney may be subject to layoff due to lack of work or insufficient appropriations?

YES

NO

**CITY OF SAN DIEGO**

**PROP C** AMENDING ORDINANCE NUMBER 0-18568 (PROPOSITION M OF 1998) RELATING TO DEVELOPMENT OF PACIFIC HIGHLANDS RANCH: Shall Proposition M be amended, allowing completion of parks, library, trails, recreation and transportation facilities for Pacific Highlands Ranch by removing a development timing restriction based on completion of the SR-56/I-5 Interchange, only after City Council approves a program of phased development ensuring facilities are constructed before or concurrent with new development, paid for by developers at no cost to taxpayers?

YES

NO

**OFFICIAL BALLOT**  
**SAN DIEGO COUNTY, CALIFORNIA**  
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**LOCAL PROPOSITIONS**

**CITY OF SAN DIEGO**

**PROP D IF FINANCIAL REFORM CONDITIONS ARE MET, AUTHORIZES TEMPORARY ONE-HALF CENT SALES TAX.**

To help offset severe state cuts and help restore essential services, including police, fire and street resurfacing, shall the City of San Diego enact a temporary, one-half cent sales tax for up to five years, only if the independent City Auditor certifies conditions have been met, including pension reforms and managed competition?

YES

NO

**SAN DIEGO UNIFIED SCHOOL DISTRICT**

**PROP J EMERGENCY TEACHER**

**RETENTION/CLASSROOM EDUCATION MEASURE.** To prevent Math, Science and English teacher layoffs; protect neighborhood schools from state budget cuts; prevent cuts to essential academic programs; job/college preparation; and preserve small classes, shall San Diego Unified School District levy a Temporary 5 Year Emergency annual tax that Sacramento can not take away of \$98/single family home, and taxes on other types of parcels, exempting low income seniors; with independent audits and no money for administrators' salaries?

YES

NO

# CITY OF SAN DIEGO

## Proposition B

(This proposition will appear on the ballot in the following form.)

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### **PROP B**

**AMENDS CITY CHARTER TO ADD GOOD CAUSE REQUIREMENT FOR CERTAIN TERMINATIONS OR SUSPENSIONS OF DEPUTY CITY ATTORNEYS.** Shall the Charter be amended to establish a good cause requirement for the termination or suspension of Deputy City Attorneys who have served continuously for two years or more, except that any Deputy City Attorney may be subject to layoff due to lack of work or insufficient appropriations?

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This proposition requires approval by a simple majority (over 50%) of the voters voting on the proposition.

The proposed charter amendment follows the arguments.

### **OFFICIAL TITLE AND SUMMARY**

**AMENDS CITY CHARTER TO ESTABLISH A GOOD CAUSE REQUIREMENT FOR CERTAIN TERMINATIONS OR SUSPENSIONS OF DEPUTY CITY ATTORNEYS.**

Amends the City Charter to establish a good cause requirement for the termination or suspension of Deputy City Attorneys who have served continuously for two years or more, except that any Deputy City Attorney may be subject to layoff due to lack of work or insufficient appropriation to meet the salary requirements necessary to maintain existing personnel.

## **CITY CLERK'S IMPARTIAL ANALYSIS**

The voters of the City of San Diego created an independently elected City Attorney as part of the adoption of a City Charter in 1931. However, the Charter does not specifically address the role of the Assistants and Deputy City Attorneys (DCAs) who work under this elected individual. These positions serve "at will," meaning at the pleasure of the City Attorney. Assistants are appointed by the City Attorney to fulfill a management role within the office. DCAs provide specific legal services to the City and practice in such areas as Civil Litigation, Civil Advisory, Labor, Neighborhood Prosecution, Domestic Violence and General Criminal.

This ballot measure would amend the Charter of the City of San Diego to establish a good cause requirement for the termination or suspension of DCAs who have served continuously for two years or more, except that any DCA may be subject to layoff due to lack of work or insufficient appropriation to meet the salary requirements necessary to maintain existing personnel. It will also specify a maximum number of Assistants that the City Attorney may appoint at any time.

## **FISCAL IMPACT STATEMENT**

Potential savings as a result of this ballot measure are undetermined; however, the recruitment and retention of attorneys may improve the operating efficiencies in the Office of the City Attorney. The average salary of attorneys may increase over time as the average length of service to the City increases, but the estimated increased salary cost is unknown. The change to the City Charter limits the number of Assistant City Attorneys to six from no limit.

## ARGUMENT IN FAVOR OF PROPOSITION B

**Proposition B protects taxpayers** by ensuring the City Attorney's office remains an independent and non-political watchdog. The City Attorney's office should never be used to further an elected official's political agenda. Legal advice should always be based upon the law, not politics.

**Led by the current City Attorney,** Proposition B has broad support because it helps **keep our attorneys independent and saves taxpayer money.**

A 2008 Grand Jury report revealed that 124 of 135 lawyers left the office under the previous City Attorney, taking with them valuable institutional knowledge and experience. After months of detailed investigation, the Grand Jury concluded that the near 100% turnover rate significantly harmed the City and **called for reforms.**

The loss of experienced lawyers also resulted in greater reliance on expensive outside counsel. Those costs skyrocketed annually from \$4 million to over \$10 million.

During the past two years, the office has been rebuilt into a quality law firm. With an emphasis on training, quality control and experience, the **reformed** City Attorney's office has practiced law, solved problems, won key lawsuits and helped avoid mistakes. Deputy city attorneys now act as watchdogs without risk of losing their jobs. And, with less reliance on outside counsel, those costs have been reduced nearly in half.

**Proposition B ensures the reformed City Attorney's office will be preserved** well into the future. It protects the City and future deputy city attorneys from political pressure, while maintaining quality standards. After a two year probation period, deputy city attorneys can be fired for ethical lapses or poor legal work, but not for telling the truth, speaking up to prevent an illegal act or for giving proper legal opinions.

**A "YES" vote for Proposition B protects taxpayers by ensuring the City Attorney's office remains an independent and non-political watchdog.**

JAN GOLDSMITH, City Attorney  
City of San Diego

GEORGE SCHAEFER, President  
San Diego Deputy City Attorneys Association

TODD GLORIA, Councilmember  
City of San Diego, District Three

CARL DeMAIO, Councilmember  
City of San Diego, District Five

## ARGUMENT AGAINST PROPOSITION B

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

## PROPOSED CHARTER AMENDMENT

The portions of the charter to be added are underlined and the portions to be deleted are printed in ~~strike-out~~ type.

### Section 30: Removal of Unclassified Officers and Employees

Officers and employees in the unclassified service appointed by the Manager or other appointing authority not under control of the Manager, with the exception of Deputy City Attorneys, may be removed by such appointing authority at any time.

Appropriate rules and regulations shall be promulgated to establish procedures as may be necessary by which the dismissal provided for in this article shall be processed and effectuated. Procedures relating to the termination, suspension, and layoffs of Deputy City Attorneys as provided in Section 40 shall be established in compliance with the Meyers-Milias-Brown Act.

With the exception of Deputy City Attorneys, ~~Nothing~~ contained herein shall be construed as in any way limiting the authority and power of the Manager or such other appointing authority not under the control of the Manager to remove any such unclassified officer or employee appointed or employed by them and any order effecting said removal shall be final and conclusive.

### Section 40: City Attorney

At the municipal primary and general election in 1977, a City Attorney shall be elected by the people for a term of seven (7) years. A City Attorney shall thereafter be elected for a term of four (4) years in the manner prescribed by Section 10 of this Charter.

Notwithstanding any other provision of this Charter and commencing with elections held in 1992, no person shall serve more than two (2) consecutive four-year terms as City Attorney. If for any reason a person serves a partial term as City Attorney in excess of two (2) years, that partial term shall be considered a full term for purposes of this term limit provision. Persons holding the office of City Attorney prior to the November 1992 election shall not have prior or current terms be counted for the purpose of applying this term limit provision to future elections.

The City Attorney shall be the chief legal adviser of, and attorney for the City and all Departments and offices thereof in matters relating to their official powers and duties, except in the case of the Ethics Commission, which shall have its own legal counsel independent of the City Attorney. The attorney, and his or her deputies shall devote their full time to the duties of the office and shall not engage in private legal practice during the term for which they are employed by the City, except to carry to a conclusion any matters for which they have been retained prior to taking office.

The City Attorney shall appoint such deputies, assistants, and employees to serve him or her, as may be provided by ordinance of the Council, but all appointments of subordinates other than deputies and assistants shall be subject to the Civil Service provisions of this Charter. The City Attorney may appoint no more than six Assistant City Attorneys and four other assistants, who shall serve at the pleasure of the City Attorney and may be removed by the City Attorney at any time.

No Deputy City Attorney, who has served continuously as a Deputy City Attorney in the Office of the City Attorney for two years or more shall be terminated or suspended without good cause, except that any Deputy City Attorney may be subject to layoff due to lack of work or insufficient appropriation to meet the salary requirements necessary to maintain existing personnel in the Office of the City Attorney.

To ensure that Deputy City Attorneys conduct their legal work with the highest level of integrity, honesty, and professionalism, good cause for purposes of termination or suspension includes, but is not limited to, failure to comply with the California Rules of Professional Conduct.

## PROPOSED CHARTER AMENDMENT (Continued)

It shall be the City Attorney's duty, either personally or by such assistants as he or she may designate, to perform all services incident to the legal department; to give advice in writing when so requested, to the Council, its Committees, the Manager, the Commissions, or Directors of any department, but all such advice shall be in writing with the citation of authorities in support of the conclusions expressed in said written opinions; to prosecute or defend, as the case may be, all suits or cases to which the City may be a party; to prosecute for all offenses against the ordinances of the City and for such offenses against the laws of the State as may be required of the City Attorney by law; to prepare in writing all ordinances, resolutions, contracts, bonds, or other instruments in which the City is concerned, and to endorse on each approval of the form or correctness thereof; to preserve in the City Attorney's office a docket of all cases in which the City is interested in any of the courts and keep a record of all proceedings of said cases; to preserve in the City Attorney's office copies of all written opinions he or she has furnished to the Council, Manager, Commission, or any officer. Such docket, copies and papers shall be the property of the City, and the City Attorney shall, on retiring from office, deliver the same, together with all books, accounts, vouchers, and necessary information, to his or her successor in office.

The City Attorney shall have charge and custody of all legal papers, books, and dockets belonging to the City pertaining to his office, and, upon a receipt therefor, may demand and receive from any officer of the City any book, paper, documents, or evidence necessary to be used in any suit, or required for the purpose of the office.

The City Attorney shall apply, upon order of the Council, in the name of the City, to a court of competent jurisdiction for an order or injunction to restrain the misapplication of funds of the City or the abuse of corporate powers, or the execution or performance of any contract made in behalf of the City which may be in contravention of the law or ordinances governing it, or which was procured by fraud or corruption.

The City Attorney shall apply, upon order of the Council, to a court of competent jurisdiction for a writ of mandamus to compel the performance of duties of any officer or commission which fails to perform any duty expressly enjoined by law or ordinance.

The City Attorney shall perform such other duties of a legal nature as the Council may by ordinance require or as are provided by the Constitution and general laws of the State.

The Council shall have authority to employ additional competent technical legal attorneys to investigate or prosecute matters connected with the departments of the City when such assistance or advice is necessary in connection therewith. The Council shall provide sufficient funds in the annual appropriation ordinance for such purposes and shall charge such additional legal service against the appropriation of the respective Departments.

The salary of the City Attorney shall be fixed by the Council and set forth in the annual appropriation ordinance, provided that the salary of the City Attorney may not be decreased during a term of office, but in no event shall said salary be less than \$15,000.00 per year. In the event of a vacancy occurring in the office of the City Attorney by reason of any cause, the Council shall have authority to fill such vacancy, which said authority shall be exercised within thirty (30) days after the vacancy occurs. Any person appointed to fill such vacancy shall hold office until the next regular municipal election, at which time a person shall be elected to serve the unexpired term. Said appointee shall remain in office until a successor is elected and qualified.

### **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:

[subsections (1) through (9) no change in text]

(10) Not more than six All-Assistant City Attorneys, and all Deputy City Attorneys, and four other assistants in the Office of the City Attorney.

[subsections (11) through (17) no changes to text]

[subsections (b) and (c) no change in text]



# CITY OF SAN DIEGO

## Proposition C

(This proposition will appear on the ballot in the following form.)

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### **PROP C**

**AMENDING ORDINANCE NUMBER O-18568 (PROPOSITION M OF 1998) RELATING TO DEVELOPMENT OF PACIFIC HIGHLANDS RANCH.** Shall Proposition M be amended, allowing completion of parks, library, trails, recreation and transportation facilities for Pacific Highlands Ranch by removing a development timing restriction based on completion of the SR-56/I-5 Interchange, only after City Council approves a program of phased development ensuring facilities are constructed before or concurrent with new development, paid for by developers at no cost to taxpayers?

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This proposition requires approval by a simple majority (over 50%) of the voters voting on the proposition.

The proposed ordinance follows the arguments.

### **OFFICIAL TITLE AND SUMMARY**

#### **AMENDING PROPOSITION M OF 1998 – CONCERNING DEVELOPMENT IN PACIFIC HIGHLANDS RANCH**

This proposition amends ordinance number O-18568 (Proposition M of 1998) by removing the restriction on developing more than 1,900 dwelling units in Pacific Highlands Ranch until the completion of the SR-56/I-5 Interchange Project. This proposition also adds additional language that limits development until the City Council approves a program for phased development and approves a revised public facilities financing plan for Pacific Highlands Ranch.

## **CITY ATTORNEY'S IMPARTIAL ANALYSIS**

In a special election held November 3, 1998, voters approved Proposition M, a measure that allowed the development of a community now known as Pacific Highlands Ranch, subject to certain conditions. One of the conditions was that only 1,900 dwelling units could be built until ramps for westbound State Route 56 connecting with I-5 North, and for I-5 South connecting with eastbound State Route 56 (the SR-56/I-5 Interchange), were completed. The restriction had been requested by a neighboring community planning group because of its concern that traffic from Pacific Highlands Ranch would significantly impact surrounding communities.

Pacific Highlands Ranch is now approaching 1,900 dwelling units, but completion of the SR- 56/I-5 Interchange, a Caltrans project, is not anticipated until at least 2020. Caltrans reports that when the community is fully built, Pacific Highlands Ranch will contribute 10 percent of the traffic using the future I-5/SR-56 Interchange, while the Carmel Valley planning area as a whole is projected to contribute 18 percent of the traffic.

Community amenities in Pacific Highlands Ranch are funded by Facilities Benefit Assessments (FBA), which are assessed against developers when building permits are issued. Building community amenities requires FBA funds, and the City cannot collect additional FBA funds for amenities in Pacific Highlands Ranch until after the SR-56/I-5 Interchange is complete. Planned schools, neighborhood parks, a community park, bike and pedestrian trails, a recreation center, and a public library that are all part of the community plan cannot be funded and built at this time.

This ballot measure would accomplish this change by amending Proposition M, which imposed the restriction of development to 1,900 dwelling units until the SR-56/I-5 Interchange was complete. This ballot measure removes references to the connection between the 1,900 dwelling unit limit and the completion of the SR-56/I-5 Interchange. This ballot measure would provide that development of more than 1,900 dwelling units can proceed once the City Council both approves a program to phase development in Pacific Highlands Ranch, and revises the Public Facilities Financing Plan for that community. These actions would be funded through the FBA program, based on fees paid by developers. The program for phased development would restrict building permits from being issued until the completion of community amenities and public facilities, consistent with thresholds established in the City's General Plan. The revised Public Facilities Financing Plan would be incorporated into the phased development program for Pacific Highlands Ranch.

## **FISCAL IMPACT STATEMENT**

Expenses incurred to prepare a program of phased development and revisions to the Pacific Highlands Ranch Public Facilities Financing Plan will be borne by the Pacific Highlands Ranch Facilities Benefit Assessment, which is funded by builder/developer fees. There will be no costs to City taxpayers as a result of this ballot measure.

## ARGUMENT IN FAVOR OF PROPOSITION C

**Finish the Job.  
Vote Yes on Proposition C.**

In 1998, voters' approval of Proposition M established an award-winning managed growth plan for one of San Diego's last remaining new neighborhoods – Pacific Highlands Ranch.

That plan, endorsed by environmental, community and business organizations, permanently preserves 1,275 acres of open space, restores a vital wildlife corridor connecting canyons with the regional open space system, and creates the Carmel Mountain Preserve for inclusion in the Torrey Pines State Park system – all paid for by developers and at no cost to taxpayers.

At the request of the Carmel Valley Community Planning Board, Proposition M included a development timing restriction that linked completion of the community to construction of the SR-56/I-5 freeway interchange.

Pacific Highlands Ranch is now home to over 5,000 residents. Many of the public and commercial facilities needed to serve the community cannot be built, and the open space system cannot be completed, because of the timing restriction.

The SR-56/I-5 interchange project is not planned until 2020, if ever. Recent traffic studies show Pacific Highlands Ranch will produce only 10% of the traffic using the two missing freeway connections. Lacking their own facilities, current residents must drive outside their neighborhood for services, generating traffic in neighboring communities.

Proposition C, placed on the ballot at the request of the Carmel Valley Planning Board and supported by Pacific Highlands Ranch and adjacent community planning groups, permits completion of community parks, open space and trail system, schools, stores, offices, recreation center, bike and pedestrian trails for Pacific Highlands Ranch. It requires developers, not taxpayers, to pay for these facilities, and requires City approval of a phasing plan to ensure facilities are constructed before or concurrent with new development.

Environmental, community and business organizations urge you to vote Yes on Proposition C to finish the community provided by voters in 1998.

SHERRI S. LIGHTNER  
Councilmember  
City of San Diego

FRISCO WHITE, AIA  
Chair  
Carmel Valley Community Planning Board

JOE PANETTA  
Local Biosciences Leader

DEANNA RICH  
Local School Leader

MICHAEL BECK  
San Diego Director, Endangered Habitats League

## ARGUMENT AGAINST PROPOSITION C

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

## PROPOSED ORDINANCE

BE IT ORDAINED by the People of the City of San Diego as follows:

### A. FINDINGS AND DECLARATION OF PURPOSE

1. At the Municipal Election held November 3, 1998, the voters ratified Ordinance No. O-18568 (Proposition M of 1998), directing a phase shift of urban reserve lands from Future Urbanizing to Planned Urbanizing, permitting development in the phase-shifted area of Pacific Highlands Ranch to proceed, subject to numerous conditions. As a result, the 2008 General Plan now designates Pacific Highlands Ranch as Urbanized Lands. Pacific Highlands Ranch is a pedestrian- and transit-oriented community consisting of approximately 1,275 acres of open space; a wildlife corridor connecting Gonzales and McGonigle Canyons; lands set aside for the regional open space and integrated habitat preservation system known as the Multi-Habitat Planning Area; 143 acres for State Route 56 (SR-56) right-of-way; 20 percent of the housing as affordable; and other integrated community components that advance sustainability and promote quality of life. One of the provisions of Ordinance Number O-18568 (Proposition M of 1998), requested by an adjacent community planning group, provided that only 1,900 dwelling units could be constructed in Pacific Highlands Ranch until the SR-56 west to Interstate Highway 5 (I-5) north and the I-5 south to SR-56 east connector ramps (SR-56/I-5 Interchange) are in place and operational (development timing restriction). Currently, the south-facing ramps at SR-56 and I-5 have been built and are operational. The development of Pacific Highlands Ranch is approaching 1,900 dwelling units, but the SR-56/I-5 Interchange is a Caltrans project that remains under environmental study, and is not planned to occur until 2020. The basis for including the development timing restriction was the concern that Pacific Highlands Ranch traffic might significantly impact the streets of adjacent communities; however, Caltrans reports that once Pacific Highlands Ranch is built in its entirety, the community will contribute only 10 percent of the traffic using the future I-5/SR-56 Interchange, where the Carmel Valley planning area as a whole is projected to contribute 18 percent of that traffic. No other local community's development is limited based on the completion of these two missing regional interchange ramps. Furthermore, the Master Environmental Impact Report (MEIR) for Pacific Highlands Ranch did not require the development timing restriction, as environmental mitigation or otherwise.

2. As a result of the development timing restriction, the City cannot collect facilities benefit assessments upon the issuance of building permits for any more than 1,900 dwelling units. If the City cannot collect additional facilities benefit assessments, public facilities cannot be constructed for the Pacific Highlands Ranch community. Therefore, until the development timing restriction is de-linked from the completion of the SR-56/I-5 Interchange Project, the Pacific Highlands Ranch community's remaining planned schools, neighborhood parks, community park, employment center, bike and pedestrian trails, recreation center, public library, additional affordable housing and additional homes that are part of the community plan cannot be built.

3. The community of Pacific Highlands Ranch and the surrounding communities continue to support phased development that requires community amenities and public facilities be developed prior to, or concurrent with, the development of residential dwelling units.

4. Because of these considerations and in recognition that relatively little traffic coming from Pacific Highlands Ranch will use the future ramps of the I-5/SR-56 Interchange Project, the adjacent community planning group (that requested inclusion of the transportation phasing restriction in Proposition M in 1998) now supports removal of the development timing restriction under the conditions provided below, as do other surrounding planning groups. Because Proposition M of 1998 was approved by the voters of the City of San Diego, however, any amendment to Proposition M also requires City of San Diego voter approval.

## PROPOSED ORDINANCE (Continued)

### B. AMENDMENT OF O-18568 (PROPOSITION M OF 1998)

~~DELETED LANGUAGE~~  
NEW LANGUAGE

BE IT FURTHER ORDAINED by the People of the City of San Diego that O-18568 (Proposition M) is hereby amended as follows:

In 1985, the voters of the City adopted the Managed Growth Initiative, known as "Proposition A," which amended the Guidelines for the Future Development Section of the Progress Guide and General Plan of the City of San Diego by requiring approval of the voters before changing the designation of lands from "Future Urbanizing" to "Planned Urbanizing." A 2,652 acre area is located in Subarea III of the North City Future Urbanizing Area and is currently designated as "Future Urbanizing" on the Official Phased Development Map in the City's Progress Guide and General Plan.

The Subarea III Plan for the 2,652 acres was prepared and is titled the "Pacific Highlands Ranch Subarea Plan."

Approximately 550 acres of the 2,652 acres in Subarea III has been approved for development at rural densities while preserving 384 of the 550 acres as natural open space.

The designation of the remaining 2,102 acres in Subarea III is proposed to be changed from "Future Urbanizing" to "Planned Urbanizing" while preserving an additional 889 of the 2,102 acres as natural open space.

In accordance with the Pacific Highlands Ranch Subarea Plan an additional 143 acres of the 2,102 acres is planned for State Route 56 right-of-way, approximately 90 acres of which will be conveyed by Pardee Construction Company to the City for a price substantially below market value.

~~The terms of the Transportation Phasing Plan for the Pacific Highlands Ranch Subarea Plan provides that no more than 1,900 dwelling units shall be permitted within the phase shifted area of Subarea III until such time that State Route 56 westbound/Interstate 5 northbound connection ramps are in place and operational.~~

The City Council strongly supports the construction of State Route 56 westbound/Interstate-5 northbound connection ramps and intends to aggressively lobby for this project to be a top priority in the year 2000 State Transportation Improvement Plan (STIP).

The Pacific Highlands Ranch Subarea Plan provides for designation of at least 1,274 acres of open space, including a wildlife corridor connecting Gonzales and McGonigle Canyons within the regional open space system known as the Multiple Habitat Planning Area [MHPA].

In accordance with this ballot measure, the Pacific Highlands Ranch Subarea Plan, and a certain Development Agreement on file in the office of the City Clerk of the city of San Diego as Document OO-18571, title to additional property known as Parcels A and B within Neighborhood 8A of Carmel Valley will be conveyed to the City as a condition of changing the designation of 2,102 acres known as Pacific Highlands Ranch Subarea Plan from "Future Urbanizing" to "Planned Urbanizing."

As a condition of changing the designation of 2,102 acres known as Pacific Highlands Ranch Subarea Plan from "Future Urbanizing" to "Planned Urbanizing," absent voter approval the Council of the City of San Diego shall not permit residential or commercial development within Neighborhood 8C on open space dedicated to the City as shown on Figure 2-1 of the Neighborhood 8C Precise Plan-Option One, approved by the City Council by Resolution No. R-290506, on July 28, 1998.

## PROPOSED ORDINANCE (Continued)

Pacific Highlands Ranch is located on the eastern boundary of Carmel Valley and is identified in Exhibit 1-1 in the Pacific Highlands Ranch Subarea Plan on file in the office of the City Clerk as Document No. RR-290521, adopted by Resolution No. R-290521, of the City Council on July 28, 1998.

Implementation of the Pacific Highlands Ranch Subarea Plan requires that 2,102 acres within Pacific Highlands Ranch Subarea Plan, as depicted in Exhibit 1-1 of said Plan, be changed from "Future Urbanizing" to "Planned Urbanizing."

Approval of this change of designation in no way permits any other portion of the North City Future Urbanizing Area to have a change of designation without a separate vote of the people.

NOW, THEREFORE, the People of the City of San Diego do hereby resolve to conditionally amend the City's Progress Guide and General Plan, specifically by conditionally amending the Official Phased Development Map, on file in the office of the City Clerk as Document No. RR-267565-1, to change the designation of 2,102 acres within Pacific Highlands Ranch Subarea Plan as reflected on Exhibit 1-2 of said Plan from "Future Urbanizing" to "Planned Urbanizing," the amendment to become effective upon, but not until, the occurrence of the following events:

1. Pardee Construction Company offers to dedicate to the City fee title to 126 acres of land known as Parcels A and B within Neighborhood 8A of Carmel Valley and offers to dedicate a conservation easement for an additional 24 acres on Parcel A to establish a mitigation bank; and
2. Pardee Construction Company has made a legally binding offer to sell to the City approximately 90 acres of land currently under Pardee Construction Company ownership within Subarea III for use as State Route 56 right-of-way at a price which is substantially below market value.

The People of the City of San Diego do hereby further resolve that upon the occurrence of events described above, thereby triggering an amendment of the Official Phased Development Map, on file in the office of the City Clerk as Document No. RR-267565-1 to change the designation of 2,102 acres within Pacific Highlands Ranch Subarea Plan as reflected on Exhibit 1-2 of said Plan from "Future Urbanizing" to "Planned Urbanizing," the following development restrictions shall apply to the land which is the subject of this ballot measure:

1. Upon 150 acres of land known as Parcels A and B within Neighborhood 8A of Carmel Valley, no fewer than 135 acres shall be maintained as natural open space (no residential or commercial development or improved roadways), and no more than 15 acres may be used for a community park site at the specific location shown upon Figure 2.11 of the Neighborhood 8A Specific Plan approved by the City Council by Ordinance No. O-18752 on September 8, 1998; and
2. Absent voter approval, the Council of The City of San Diego shall not permit residential or commercial development within Neighborhood 8C on open space dedicated to the City as shown on Figure 2-1 of the Neighborhood 8C Precise Plan, approved by the City Council by Resolution No. R-290506 on July 28, 1998; and
3. Absent voter approval, the Council of The City of San Diego shall not amend the Pacific Highlands Ranch Subarea Plan to designate any fewer than 1,274 acres of open space or reduce or eliminate the wildlife corridor which connects Gonzales Canyon and McGonigle Canyon; and
4. ~~Development within the phase shifted area of the Pacific Highlands Ranch Subarea Plan shall not exceed 1,900 dwelling units until such time that ramps for westbound SR-56 connecting with I-5 North and I-5 South connecting with eastbound SR-56 are constructed and operational; and~~

## PROPOSED ORDINANCE (Continued)

- 5.4. Within Pacific Highlands Ranch Subarea Plan, Del Mar Heights Road shall not be accessible to through traffic from east of Camino Santa Fe until that portion of State Route 56 (or a comparable roadway extension in the State Route 56 corridor is in place from its present terminus at Carmel Valley Road to Camino Santa Fe.
5. Pacific Highlands Ranch development may proceed independently of the I-5/SR-56 Interchange Project; provided however that development in the phase shifted area of Pacific Highlands Ranch shall not exceed 1,900 dwelling units until:
  - (a) The Council of the City of San Diego approves a program for phased development for Pacific Highlands Ranch, which program shall integrate all appropriate components that guide and regulate the community's development, and shall further mandate that building permit issuance for new housing be dependent upon completion of community amenities and public facilities consistent with thresholds set forth in the City's General Plan before or concurrent with new development, and construction of which shall be paid for by developers at no cost to taxpayers, and
  - (b) The Council of the City of San Diego approves a revised Public Facilities Financing Plan for Pacific Highlands Ranch, which shall become part of a comprehensive and integrated program for the phased development of Pacific Highlands Ranch.
6. Except as provided in numbers 2 and 3, above, the City Council may amend this ordinance in a manner that is consistent with and in furtherance of the purpose of this ordinance.

# CITY OF SAN DIEGO

## Proposition D

(This proposition will appear on the ballot in the following form.)

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### PROP D

**IF FINANCIAL REFORM CONDITIONS ARE MET, AUTHORIZES TEMPORARY ONE-HALF CENT SALES TAX.** To help offset severe state cuts and help restore essential services, including police, fire and street resurfacing, shall the City of San Diego enact a temporary one-half cent sales tax for up to five years, only if the independent City Auditor certifies conditions have been met, including pension reforms and managed competition?

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This proposition requires approval by a simple majority (over 50%) of the voters voting on the proposition.

The proposed ordinance follows the arguments.

### OFFICIAL TITLE AND SUMMARY

**AUTHORIZES TEMPORARY ONE-HALF CENT SALES TAX AFTER CERTAIN CONDITIONS ARE MET.**

Authorizes the City of San Diego to impose a temporary one-half cent sales and use tax for up to five years, only after the City Auditor certifies that specific conditions have been met relating to City pensions, retiree health care, managed competition, and terminal leave for employees.

### CITY ATTORNEY'S IMPARTIAL ANALYSIS

State law authorizes the City to impose a sales tax increase for general purposes if it is approved by a two-thirds vote of the governing body and a majority of the City's voters. On August 4, 2010, six members of the eight-member City Council approved a temporary, one-half cent increase to the sales tax in the City of San Diego that may be imposed only if certain conditions are first met. This measure seeks voter approval of the proposed increase.

The tax increase would not be operative until the City Auditor certifies that the following conditions have been met:

1. The City adopting an ordinance eliminating retirement offsets for elected officials and those City employees not represented by a labor organization. "Retirement offsets" are the amount of an individual's retirement system contribution which the City agrees to pay on behalf of the individual.
2. The City adopting, by ordinance, a managed competition guide for various City services.
3. The Mayor completing a study of costs to the City of the Deferred Retirement Option Plan (DROP) program and presenting findings to the City Council. If the study finds DROP is not "cost neutral," the City will initiate "meet and confer" proceedings with labor unions to make DROP cost neutral.
4. The Mayor soliciting requests for qualifications from bidders to assume operations of the Miramar Landfill.



## **CITY ATTORNEY'S IMPARTIAL ANALYSIS (Continued)**

5. The City adopting an ordinance eliminating terminal leave for City employees. Terminal leave allows employees to remain on the payroll when they end employment, using accrued leave, instead of taking a lump sum payment. Under the ordinance, upon separation from the City, an employee may only cash out accrued leave.
6. The City reducing the total cost of "retirement offsets" existing as of June 30, 2010 for employees represented by labor organizations.
7. The City reducing its retiree health care liability existing as of June 30, 2010.
8. The Mayor soliciting proposals from bidders to provide the City's information technology services.
9. The City establishing a second tier pension plan for new employees represented by the firefighters union, comparable to one in effect for new police officers.
10. The City adopting an ordinance that would allow all City employees to voluntarily select or switch from a current retirement plan to a new alternative Defined Contribution Plan. The new plan may be subject to IRS and other governmental approvals, but obtaining such approval is not part of this condition.

The tax would be operative the first day of the first calendar quarter commencing more than 110 days after the State Board of Equalization receives the City Auditor's certification. The City must deposit all revenues received from the tax increase into the City's general fund. Proceeds could be spent for any lawful governmental purpose. The authority to levy the tax would expire five years after the operative date described above, or December 31, 2017, whichever is earlier. The City could suspend or terminate the tax earlier.

### **FISCAL IMPACT STATEMENT**

If the conditions contained in Proposition D are fully implemented, the total projected savings to the City could range from \$3.5 million to \$428 million over the next five years, and \$8.7 million to \$855 million over the next ten years. The implementation of these conditions and the realization of any associated fiscal impact are contingent upon the outcome of the meet and confer process, managed competition and outsourcing requirements of the measure. Some of the conditions are estimated to reduce the City's pension and health care liabilities by approximately \$200 million to \$500 million and reduce taxpayer financial exposure for pension and retiree health care costs by approximately \$20 million to \$50 million annually. The other conditions such as managed competition, outsourcing and benefit reductions could save taxpayers an additional \$626,000 to \$43 million annually. These projected fiscal impacts do not include the additional potential savings from the new Defined Contribution Pension Plan or the results of the Deferred Retirement Option Plan (DROP) Cost Neutrality Study. The estimated savings are based upon current budget information, previous City experience, the application of industry standards and actuarial calculations and are preliminary. Only if the independent City Auditor certifies that the conditions contained in Proposition D are satisfied, will the City's General Fund receive a net estimated \$102 million annually for five years in new sales tax revenue from the temporary one-half cent sales tax.

## ARGUMENT IN FAVOR OF PROPOSITION D

### Restore fire, paramedic, police and other essential City services.

Revenue from Proposition D will help maintain and restore essential City services such as fire, paramedic, police, library hours and pothole repair, end fire station brownouts, and help improve 911 emergency response times.

By law, funds from this temporary five-year measure can only be collected after the independent City Auditor verifies the City has initiated 10 financial and pension reforms that can produce hundreds of millions of dollars in savings.

City budget cuts totaling over \$180 million have led to rolling brownouts at fire stations, delays in 911 emergency response times, and loss of nearly 200 police, fire and paramedic positions.

But San Diego still faces an ongoing budget deficit of over \$70 million next year – caused in part by Sacramento seizing tens of millions of local tax dollars. By law, Proposition D's funds cannot be taken by Sacramento.

### Mandatory financial reform first!

Proposition D establishes 10 fundamental financial reforms – among the most comprehensive ever undertaken by a California city, including reforming City pension and retirement benefits.

Because of the risk of further drastic service cuts, public employee unions are offering historic concessions. Implementing Proposition D reforms could reduce pension and healthcare liabilities by up to \$500 million and reduce taxpayer costs for pension and retiree healthcare by up to \$50 million annually.

Longtime adversaries – Mayor Jerry Sanders and Councilmember Donna Frye – along with firefighters, police, business and labor leaders concerned about protecting public safety, jobs and our economy, support Proposition D because it is the most fiscally responsible and realistic alternative to avoid further devastating cuts in public safety and other essential services.

www. [REDACTED] .com

MAYOR JERRY SANDERS

CITY COUNCILMEMBER DONNA FRYE

FRANK DE CLERCQ

BRIAN R. MARVEL

President

President

San Diego City Firefighters

San Diego Police Officers Association

MEL KATZ

Former Chair, San Diego Regional Chamber of Commerce

Chair, San Diego Public Library Foundation

## ARGUMENT AGAINST PROPOSITION D

### NO on PROP D – The "Blank Check" Sales Tax

Prop D is misleading and harms San Diego taxpayers. Prop D gives city politicians a "blank check" tax increase with no guarantees on how the money will be spent.

#### *Prop D: More WASTEFUL Spending*

- **No Protections for Taxpayers:** Prop D does NOT include the fiscal reforms taxpayers deserve to end millions in wasteful spending each year in the city's budget.
- **Fails to Fix the Pension Crisis:** Prop D allows the city to continue to offer unaffordable pension benefits for city employees – and allows city politicians to continue receiving the biggest taxpayer subsidy for their personal pensions.

#### *Prop D: Does NOT Protect Vital Services*

- **No Guarantees for Police and Fire:** Not one penny of this tax is dedicated to pay for police, fire and other vital city services. Politicians can spend this money any way they want!
- **Money Will Go To Pension Fund:** As pension costs keep increasing in the city budget, more and more tax money will be diverted to the pension system to bailout politicians.

#### *Prop D: LACKS Accountability for Reform*

- **Weak and Deceptive Triggers:** Prop D lists several weak, meaningless and deceptive conditions that will be quickly used to trigger this sales tax.
- **Prop D Contains No Requirements for Managed Competition:** Prop D does not require implementation of competitive bidding – something voters overwhelmingly approved four years ago but politicians and unions have resisted. Prop D continues the practice of ignoring the will of the people.

#### *Prop D: HURTS Working Families by Raising Taxes*

- **More Burdens In a Tough Economy:** Prop D makes everything more expensive for city residents.

No Blank Check, No Bailouts, No More Wasteful Spending, Vote No on Prop D.

T.J. ZANE  
Chair  
San Diegans Against Government Waste

APRIL BOLING, CPA  
Former Chair  
Pension Reform Committee

KEVIN FAULCONER  
Chair  
City Audit Committee

CARL DeMAIO  
Vice Chair  
City Audit Committee

LANI LUTAR  
President and CEO  
San Diego County Taxpayers Association

## PROPOSED ORDINANCE

AN ORDINANCE OF THE SAN DIEGO CITY COUNCIL AND THE PEOPLE OF THE CITY OF SAN DIEGO THAT REQUIRES SATISFYING REFORM CONDITIONS RELATED TO CERTAIN PENSION, RETIREE HEALTH CARE, MANAGED COMPETITION, AND OTHER FINANCIAL REFORMS BEFORE IMPOSING A TEMPORARY TRANSACTIONS (SALES) AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION.

WHEREAS, state law authorizes the City of San Diego to levy this one-half cent transactions (sales) and use tax following a two-thirds vote of the City Council approving the ordinance proposing the tax and approval by a majority of voters voting in an election on that issue; and

WHEREAS, the City is facing a multi-million dollar deficit as a result of the economic downturn; and

WHEREAS, the City has cut services and taken other actions to reduce the City deficit but the continuation of essential services is a risk; and

WHEREAS, on August 3, 2010, the City's Chief Financial Officer issued a memorandum entitled "Citywide reforms and associated savings and budget reductions – REVISED" in which she identified over \$153 million in annual savings the City would realize due to reforms and savings already made and an additional \$182 million in annual savings from budget reductions already taken for a total of \$335 million in savings; and

WHEREAS, the City wishes to ensure that the City has the financial resources necessary to preserve the public health, safety, and welfare of the City residents; and

WHEREAS, the City desires to offset severe state cuts and protect and restore essential services, including police, fire, lifeguards, and street resurfacing and continue to provide a variety of City services, including park and branch library services, and to maintain the City's infrastructure such as streets, sidewalks and public facilities; and

WHEREAS, the City Council desires to submit to the voters at the Municipal Special Election one proposition approving a temporary one-half of one percent transactions (sales) and use tax, expiring after five years; and

WHEREAS, the tax will not be operative until certain conditions related to pension, retiree health, managed competition, and other financial reforms have been satisfied; and

WHEREAS, the City will deposit all revenues it receives from the tax into the general fund of the City to be expended for any lawful governmental purpose; NOW, THEREFORE,

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

Section 1. TITLE. This ordinance shall be known as the Pension Reform, Financial Stabilization, and Sales Tax Ordinance. This ordinance shall be applicable in the incorporated territory of the City of San Diego (City).

Section 2. OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the Board of Equalization receives the certification from the City of San Diego, City Auditor, that the conditions listed below have been satisfied.

A Conditions.

1. Ordinance to Eliminate Employee Retirement Offsets for Elected Officials and Unrepresented City Employees: An ordinance has been adopted to eliminate retirement offsets for elected officials and those City employees who are not represented by a labor organization. "Retirement offsets" means the amount of an individual's retirement system contribution which the City agrees to pay on behalf of the individual.

## PROPOSED ORDINANCE (Continued)

2. Complete Managed Competition Guide: The City has adopted a Managed Competition Guide, by ordinance, to allow the City to implement a managed competition process pursuant to San Diego Charter section 117(c) involving services such as, solid waste collection, print shop and publishing services, auto and fleet maintenance, landscaping and facilities operations and maintenance.

3. Complete DROP Cost Neutrality Study. The Mayor has completed a Deferred Retirement Option Plan (DROP) cost neutrality study, presented the findings to the City Council and, if said findings are that DROP is not cost neutral, the City will initiate "meet and confer" to make DROP cost neutral. Cost neutral means that the present value of the City's share of costs for all compensation and benefit programs of the City of San Diego with DROP included is less than or equal to 102% of the present value of what those costs would be in the absence of DROP.

4. Solicit Request for Qualifications to Take Over Miramar Landfill Operations/Lease. The Mayor has solicited Requests for Qualifications from qualified bidders to assume the operations of the Miramar Landfill.

5. Eliminate Terminal Leave for all City Employees. The City has adopted an ordinance eliminating terminal leave for all City employees. Under the ordinance, upon separation from the City, an employee may only cash out accrued leave.

6. Reduce Retirement Offset for Represented City Employees. The City has reduced the total cost of Retirement Offsets existing as of June 30, 2010, for employees represented by labor organizations. "Retirement offsets" means the amount of an individual's retirement system contribution which the City agrees to pay on behalf of the individual.

7. Reduce Retiree Health Costs. The City's future unfunded retiree health care liability existing on June 30, 2010, has been reduced. For purposes of this section, "future unfunded retiree health care liability" means the actuarial accrued liability based upon the retiree health care plan in effect on June 30, 2010.

8. Solicit Proposals to Take Over Information Technology Services. The Mayor has solicited proposals from qualified bidders to provide information technology services to the City which are provided by the San Diego Data Processing Corporation.

9. Establish Second Tier Pension Plan for Firefighters. The City has established a second tier pension plan for new employees represented by San Diego City Firefighters, International Association of Fire Fighters, Local 145 comparable to the terms of the plan currently in place for new employees represented by San Diego Police Officers Association as set forth at San Diego Municipal Code section 24.0403(i).

10. Adopt Ordinance for Voluntary Defined Contribution Pension Plan. The City has adopted an ordinance creating an alternative Defined Contribution Plan intended to reduce City costs from the current City retirement plan. The ordinance would allow all City employees to voluntarily select or switch from a current City retirement plan to the alternative Defined Contribution Plan, which may be subject to IRS and other governmental agency approvals, but obtaining such approval is not part of this condition.

B. The independent City Auditor shall certify under this process:

1. The City Manager shall provide documentation to the independent City Auditor each time a reform measure has been satisfied.

2. The independent City Auditor shall review the documentation from the City Manager and any other information necessary to determine whether the reform measures have been met. Upon such determination, the independent City Auditor shall notify the City Manager within 10 business days of such determination. If the independent City Auditor determines that a reform measure has not been satisfied, he shall state the reason why the reform measure has not been met.

3. Within five calendar days of certifying that all reform measures have been satisfied, the independent City Auditor shall notify the State Board of Equalization to levy the sales tax.

C. Nothing contained herein is intended to waive or excuse compliance with the City Charter or other state, federal or local laws.

## PROPOSED ORDINANCE (Continued)

Section 3. PURPOSE. This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with section 7251) of Division 2 of the Revenue and Taxation Code and section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

Section 4. CONTRACT WITH STATE. Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 5. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one-half of one percent (0.50%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

Section 6. PLACE OF SALE. For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

Section 7. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of one-half of one percent (0.50%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

Section 8. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

Section 9. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

## PROPOSED ORDINANCE (Continued)

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

C. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in section 6203.

Section 10. PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer under section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

### Section 11. EXEMPTIONS AND EXCLUSIONS.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

## PROPOSED ORDINANCE (Continued)

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.



## PROPOSED ORDINANCE (Continued)

Section 12. AMENDMENTS. All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

Section 13. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Section 14. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 15. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately upon the date the final canvas is issued by the San Diego County Registrar of Voters.

Section 16. TERMINATION DATE. The authority to levy the tax imposed by this ordinance shall expire five years after the operative date of this ordinance, or December 31, 2017, whichever is earlier. If the Council determines that the levy and collection of the tax is no longer necessary for the purposes for which the tax is imposed, the Council may suspend or terminate the imposition of the tax prior to that date.

Section 17. CODIFICATION. Upon adoption of this Ordinance by the voters, the City Clerk, in consultation with the City Attorney, is hereby authorized and directed to codify this Ordinance in the City's Municipal Code.

**OFFICIAL BALLOT**  
**SAN DIEGO COUNTY, CALIFORNIA**  
**GUBERNATORIAL GENERAL ELECTION**  
**NOVEMBER 2, 2010**

SCHOOL	COUNTY
<p align="center"><b>SAN DIEGO UNIFIED SCHOOL DISTRICT MEMBER, BOARD OF EDUCATION DISTRICT B</b> Vote for One</p>	<p align="center"><b>MEMBER, BOARD OF SUPERVISORS DISTRICT NO. 4</b> Vote for One</p>
<p><input type="radio"/> <b>STEVE ROSEN</b> CEO/Educator/Parent</p>	<p><input type="radio"/> <b>RON ROBERTS</b> San Diego County Supervisor</p>
<p><input type="radio"/> <b>KEVIN BEISER</b> Teacher</p>	<p><input type="radio"/> <b>STEPHEN WHITBURN</b> Community Health Educator</p>
<p><input type="radio"/> Write-In</p>	<p><input type="radio"/> Write-In</p>
<p align="center"><b>SAN DIEGO UNIFIED SCHOOL DISTRICT MEMBER, BOARD OF EDUCATION DISTRICT C</b> Vote for One</p>	<p align="center"><b>ASSESSOR/RECORDER/COUNTY CLERK</b> Vote for One</p>
<p><input type="radio"/> <b>SCOTT BARNETT</b> Budget Analyst/Educator</p>	<p><input type="radio"/> <b>DAVID L. BUTLER</b> San Diego County Assessor/Recorder/Clerk, Appointed</p>
<p><input type="radio"/> <b>JOHN DE BECK</b> Retired Teacher</p>	<p><input type="radio"/> <b>ERNEST J. "ERNE" DRONENBURG</b> Taxpayer's Advocate</p>
<p><input type="radio"/> Write-In</p>	<p><input type="radio"/> Write-In</p>
	<p align="center"><b>CITY</b></p>
	<p align="center"><b>CITY OF SAN DIEGO MEMBER, CITY COUNCIL DISTRICT NO. 6</b> Vote for One</p>
	<p><input type="radio"/> <b>LORIE ZAPP</b> Businesswoman/Legal Reform Advocate</p>
	<p><input type="radio"/> <b>HOWARD WAYNE</b> Deputy Attorney General</p>
	<p><input type="radio"/> Write-In</p>

**CITY OF SAN DIEGO  
City Council – 6<sup>th</sup> District**



**LORIE ZAPF**

**Business Owner &  
Regional Director,  
Citizens Against Lawsuit Abuse**

*Elect a fiscally responsible independent to City Council*

**I will**

Hold City Hall accountable to the taxpayers, work to **reform the pension system** and **balance the budget without raising taxes.**

Fight for our community's fair share of tax dollars to repair our streets and ensure libraries, parks and senior centers are safe, clean, and open!

Keep our families safe with **neighborhood policing**; get tough on sexual predators.

Help San Diego businesses preserve and **create jobs.**

**Successful Business Professional**

- Founded natural food company headquartered in Clairemont
- Guided company to national success
- Regional Director, Citizens Against Lawsuit Abuse
- Leader in effort to protect local businesses from abusive lawsuits
- Master's, Bachelor's degrees in marketing communications and journalism

**Community Leadership**

- Co-Chair, San Diegans for City Hall Reform Citizens Steering Committee
- Past Board Member, Clairemont Town Council
- Built camp sites for the disabled and wilderness hiking trails
- Volunteer for Neighborhood Watch, children's charities and local USO
- Clairemont resident, married with two daughters

Endorsed by: Former Sheriff Bill Kolender  
Howard Jarvis Taxpayers Association PAC  
Hispanic 100

For a list of your neighbors who endorse Lorie: [REDACTED]

*"I'll work every day to earn your trust" – Lorie*

**CITY OF SAN DIEGO  
City Council – 6<sup>th</sup> District**



**HOWARD WAYNE**  
**Deputy Attorney General**

Endorsed by:  
San Diego City Firefighters  
San Diego Police Officers  
San Diegans Against Crime  
Councilmember Donna Frye

**Serving San Diego**

- **No Perks:** Howard stands out for refusing the perks of office. As a legislator he refused to take a car allowance and returned money from his office budget to the taxpayers.
- **Deputy Attorney General:** Howard has spent 30 years prosecuting violent criminals and protecting the public from consumer fraud.
- **Cut Taxes:** Howard voted to reduce the car tax, provide a tax cut for start-up businesses, and give health insurance deductions to the self employed.
- **Quality of Life:** Howard wrote the first law in the country to monitor beach waters and secured funding for curbside recycling.

**Solving San Diego's financial problems**

- **Create Jobs.** Howard will work with business and community leaders to create jobs for San Diegans.
- **Reform City Finances.** Howard won't vote to spend money we don't have. He will create an affordable and sustainable pension system.
- **Restore Police and Fire Services.** Howard will use his law enforcement experience to restore police and fire cuts to protect our neighborhoods.
- **Maintain Our Infrastructure.** Howard will prioritize funding to fix streets, sidewalks and sewers.

**Howard Wayne: Fighting For Our Neighborhoods!**



**OFFICIAL BALLOT**  
**SAN DIEGO COUNTY, CALIFORNIA**  
**GUBERNATORIAL GENERAL ELECTION**  
**NOVEMBER 2, 2010**

CITY	STATE PROPOSITIONS
<p align="center">CITY OF SAN DIEGO  MEMBER, CITY COUNCIL  DISTRICT NO. 8  Vote for One</p>	<p><b>PROP 20 REDISTRICTING OF CONGRESSIONAL DISTRICTS. INITIATIVE CONSTITUTIONAL AMENDMENT.</b>  Removes elected representatives from process of establishing congressional districts and transfers that authority to recently-authorized 14-member redistricting commission comprised of Democrats, Republicans, and representatives of neither party.  Fiscal Impact: No significant net change in state redistricting costs.</p>
<p><input type="radio"/> FELIPE HUESO  College Chairman/Educator/Attorney</p>	<p align="center">YES  <input type="radio"/></p>
<p><input type="radio"/> DAVID ALVAREZ  Legislative District Representative</p>	<p align="center">NO  <input type="radio"/></p>
<p><input type="radio"/> Write-In</p>	
MEASURES SUBMITTED TO THE VOTERS	
STATE PROPOSITIONS	
<p><b>PROP 19 LEGALIZES MARIJUANA UNDER CALIFORNIA BUT NOT FEDERAL LAW. PERMITS LOCAL GOVERNMENTS TO REGULATE AND TAX COMMERCIAL PRODUCTION, DISTRIBUTION, AND SALE OF MARIJUANA. INITIATIVE STATUTE:</b> Allows people 21 years old or older to possess, cultivate, or transport marijuana for personal use. Fiscal Impact: Depending on federal, state, and local government actions, potential increased tax and fee revenues in the hundreds of millions of dollars annually and potential correctional savings of several tens of millions of dollars annually.</p>	<p><b>PROP 21 ESTABLISHES \$18 ANNUAL VEHICLE LICENSE SURCHARGE TO HELP FUND STATE PARKS AND WILDLIFE PROGRAMS. GRANTS SURCHARGED VEHICLES FREE ADMISSION TO ALL STATE PARKS. INITIATIVE STATUTE:</b> Exempts commercial vehicles, trailers and trailer coaches from the surcharge. Fiscal Impact: Annual increase to state revenues of \$500 million from surcharge on vehicle registrations. After offsetting some existing funding sources, these revenues would provide at least \$250 million more annually for state parks and wildlife conservation.</p>
<p align="center">YES  <input type="radio"/></p>	<p align="center">YES  <input type="radio"/></p>
<p align="center">NO  <input type="radio"/></p>	<p align="center">NO  <input type="radio"/></p>

**CITY OF SAN DIEGO  
City Council – 8<sup>th</sup> District**



**FELIPE HUESO**

**College Chairman/Educator/Attorney**

I am the Chairman of the Board at a local college and have over 25 years of experience as an attorney and educator. I am the only candidate with a history of creating jobs.

Education is the only way our community can prosper. And I know that to keep kids out of gangs we have to keep them in school. I will fight to expand after-school programs.

You deserve someone who will fight for faster police, fire and emergency response times. Speed is what keeps neighborhoods and people safe. City Hall is too slow to make changes . . . I won't accept excuses. As an attorney, I know that slow justice means no justice.

Our neighborhoods get lousy service. I'll fight for better streets, sidewalks, parks, libraries, and community centers. And I'll clean-up every bit of graffiti. All of it! I will fight City Hall until our neighborhoods are treated equally.

My wife Teresina and I have been married for 25 years. We rebuilt our home in Sherman Heights. We raised 4 children. We run our small business. And we're active in the community.

I hope you will consider me.

**Felipe Hueso**

**CITY OF SAN DIEGO  
City Council – 8<sup>th</sup> District**



**DAVID ALVAREZ**  
**Legislative District Representative**

"District 8 needs a fresh start. Our neighborhoods deserve what others already have: quality city services for our families." **-David Alvarez**

**The ONLY Candidate Endorsed By:**

San Diego City Firefighters  
League of Conservation Voters  
Senator Denise Moreno Ducheny

**DAVID ALVAREZ: 15 YEARS OF EXPERIENCE SERVING SAN DIEGO**

- District Representative for Senator Denise Ducheny
- Health Educator, Family Health Centers of San Diego
- Soccer Coach at Montgomery-Waller Park
- Teacher, Barrio Logan College Institute
- Mentor, Southwest Junior High School
- Trustee Advisory Council Member, San Diego Community Colleges
- Organizer, Neighborhood Cleanups and Community Festivals
- Youth Minister and Catechist

**DAVID ALVAREZ: KEEPING OUR FAMILIES SAFE**

- Stop cuts to Police and Fire
- Partner with schools to keep kids out of gangs
- Remove and prevent graffiti

**DAVID ALVAREZ: GIVING US A FRESH START**

- Create more local jobs and help small businesses
- Fix our streets and sidewalks
- Support education and job training programs

**David Alvarez** graduated with honors from San Diego High School and San Diego State University. He and his wife are proud homeowners and are raising their first child.

**Give San Diego a Fresh Start  
Vote David Alvarez for City Council**

**David's Cell Phone:** [REDACTED]