

# Presidential General Election

Tuesday, November 3, 2020

Polls open 7am » close 8pm



**Governor's Executive Order  
All Voters Will Be Mailed A Ballot**



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and polling place



**OFFICIAL BALLOT**  
**SAN DIEGO COUNTY, CALIFORNIA**  
**PRESIDENTIAL GENERAL ELECTION**  
**NOVEMBER 3, 2020**

**COUNTY**

**MEMBER, BOARD OF SUPERVISORS**  
**DISTRICT NO. 3**

**Vote for One**

- TERRA LAWSON-REMER**  
Economist/Small Businesswoman
- KRISTIN DIANE GASPAR**  
Supervisor/Business Owner

**CITY**

**CITY OF SAN DIEGO**  
**MAYOR**

**Vote for One**

- BARBARA BRY**  
Councilmember/Businesswoman
- TODD GLORIA**  
Assemblymember

**CITY OF SAN DIEGO**  
**CITY ATTORNEY**

**Vote for One**

- CORY BRIGGS**  
Attorney/Taxpayer Advocate
- MARA W. ELLIOTT**  
San Diego City Attorney

**CITY OF SAN DIEGO**  
**MEMBER, CITY COUNCIL**  
**DISTRICT NO. 1**

**Vote for One**

- JOE LACAVAL**  
Civil Engineer/Business Owner
- WILL MOORE**  
Attorney/Small Business Owner

**CITY OF SAN DIEGO**  
**Mayor**



**BARBARA BRY**  
**Councilmember/Businesswoman**

Solutions. Not empty promises.

COVID-19 has devastated our families, businesses, and city services. But with effective leadership that is more open, accountable and fiscally responsible, San Diegans will bounce back stronger.

I'm an independent businesswoman who created hundreds of private-sector jobs, not a career politician beholden to special interests, partisan powerbrokers, political insiders.

I have what it takes to lead our recovery and create thousands of good-paying, 21<sup>st</sup>-century jobs.

- To protect taxpayers, I exposed the city's ill-advised purchase of the still-vacant 101 Ash Street office building, challenged overcharging on water bills, and led opposition to the SoccerCity land-grab.
- I'm endorsed by Save San Diego Neighborhoods because I stood up to Sacramento politicians trying to take neighborhood planning decisions away from local residents. I'll enforce the city's zoning in every community and stop short-term rentals that disrupt neighborhoods and shrink housing supply.
- I support reforms to restore neighborhood-oriented policing, enabling officers to get out of their patrol cars to partner with residents and keep their communities safe. I'll fight homelessness by focusing on the real causes - including substance abuse and mental health issues. That's why Father Joe Carroll endorses me.

[www.BarbaraBry.com](http://www.BarbaraBry.com)

**CITY OF SAN DIEGO**  
**Mayor**



**TODD GLORIA**  
**Assemblymember**

Now more than ever, San Diego needs a mayor who will bring us together and focus on solutions and progress for us all.

I'm the son of a maid and a gardener and the first in my family to graduate college. I'm grateful that San Diego gave me opportunities to succeed. As your Mayor I'll make sure San Diego is a city with opportunity for everyone. I'll continue to fight for all people in every neighborhood by taking on politicians who use discord and division for their own gain.

Safely restore our economy. I'll work to rebuild our economy safely and quickly, supporting small businesses so they can create jobs, and protecting workers while helping them build careers.

Make real progress toward ending chronic homelessness. I'll invest in housing, services, and mental health to get people experiencing homelessness back on their feet.

Make housing more affordable. I'll fight to create housing that working and middle-class families in every neighborhood can afford.

The Union-Tribune says, "Should another recession come," Todd Gloria "seems best poised to help the city navigate it."

Please vote for me, Todd Gloria. I'd be proud to be a Mayor for all San Diego!

Endorsed by San Diego Firefighters

**CITY OF SAN DIEGO**  
**City Attorney**



**CORY BRIGGS**  
**Taxpayer Advocate**

The two most important jobs for the City Attorney are protecting your family and your wallet.

Unlike career politicians, I've spent my legal career protecting neighborhoods, voters, and taxpayers from government waste, corruption, and abuses of power. Now more than ever, you deserve a gatekeeper to protect your family and your wallet from government misconduct and incompetence.

I respectfully request your vote if you want a City Attorney who will:

- Refuse money from lobbyists, special interests, PACs, political parties, unions, and their bosses.
- Protect you from government waste, abuse, and cover-ups.
- Prosecute lawbreakers outside and inside government.
- Defend your neighborhood against greedy corporate speculators, overdevelopment, gentrification, and Big Tech scams.
- Vigorously defend voter-approved pension reforms in court and never take a pension. (Read more at [www.CoryBriggs.com/SoQ](http://www.CoryBriggs.com/SoQ).)

Because I represent change, I am endorsed by community leaders like former Councilmember Donna Frye, former District Attorney Paul Pfingst, Denise Willett Friedman, Geneviève Jones-Wright, Richard Rider, Earl B. Gilliam Bar Association, and Save San Diego Neighborhoods.

If you want your City Attorney to enforce the law, then vote for Cory Briggs for City Attorney.

[www.CoryBriggs.com](http://www.CoryBriggs.com)

**CITY OF SAN DIEGO**  
**City Attorney**



**MARA ELLIOTT**  
**San Diego City Attorney**

**Mara Elliott – Protecting San Diego**

Through challenging times, Mara Elliott continues to protect San Diego - our families, neighborhoods, and most vulnerable residents - by:

- **Taking Swift Action On Coronavirus.** Worked to enact emergency public health orders, protect families from evictions. Cracked down on coronavirus scams, prosecuted substandard living facilities that put seniors at risk.
- **Preventing Gun Violence.** Pioneered Gun Violence Restraining Orders in San Diego, removing hundreds of weapons from dangerous people, including those threatening mass shootings.
- **Defending Victims of Abuse.** Expanded safety services for domestic violence victims. Added prosecutors to bring abusers to justice.
- **Reforming Criminal Justice.** Enacted programs that treat, not punish, substance abuse, mental illness. Committed to equal justice.
- **Safeguarding Taxpayer Dollars.** Saved millions by defeating frivolous lawsuits, making polluters pay to clean up their mess.

Mara Elliott's passion is rooted in life experience. Mara's a mother, wife, daughter of an immigrant, first woman elected City Attorney.

For fearlessly protecting San Diego, Mara Elliott was named California's 2020 Public Lawyer of the Year.

**Endorsements:**

San Diego Firefighters  
San Diegans for Gun Violence Prevention  
San Diegans Against Crime  
San Diego Deputy City Attorneys Association  
Planned Parenthood Action Fund

Union-Tribune on Mara Elliott: "San Diegans are safer because of her"

**CITY OF SAN DIEGO**  
**Member of the City Council - District No. 1**



**JOE LACAVAL**  
**Engineer, Small Business Owner,**  
**Community Leader**

Joe received the most votes in the Primary Election because residents know he has the experience to deliver real results at city hall.

Joe has served on nearly 30 civic boards, local planning groups and commissions, including chairing San Diego's Community Planners Committee.

Joe's priorities:

- **Public Health and Safety** – Joe's top priority. In response to Covid-19, Joe will follow advice from public health experts. Joe will also work to reduce emergency response times in District One.
- **Homelessness and Housing** - Joe will push for permanent solutions to address homelessness, while making housing more affordable.
- **Help Local Businesses** - Joe will dedicate resources for small businesses to jump start our economy.
- **Support Our Neighborhoods** - Joe will restrict whole-home short-term rentals, regulate scooters, and repair streets and sidewalks.
- **Protect Our Quality of Life** - Joe will protect open space, fulfill the Climate Action Plan, and fund libraries, recreation centers, and parks.

Joe is a San Diego native, 35 years in District One, and received his Engineering degree from SDSU. Joe and his wife Lorene, a kindergarten teacher, raised two daughters in Bird Rock.

Endorsed by:

- Save San Diego Neighborhoods
- San Diego Lifeguards
- Sierra Club of San Diego
- Former District One Councilmember Sherri Lightner

[www.JoeLaCava.com](http://www.JoeLaCava.com)  
(619) 940-7111

**CITY OF SAN DIEGO**  
**Member of the City Council - District No. 1**



**WILL MOORE**  
**Small Business Owner / Attorney**

Let's make San Diego a place our children can afford to live.

I'm a father, raising my son in Carmel Valley. During the day, I help small businesses solve their problems. For years, I've volunteered late nights and weekends to make our community a better, fairer place.

**Priorities:**

- **Homelessness and Housing:** Get people off the street, eliminate unnecessary red tape, build permanent supportive housing.
- **Infrastructure:** Repair our city and build more effectively for tomorrow.
- **Health:** Stop COVID spread in our community so we can get back to working and living.
- **Safety:** Keep our status as the safest large city in America – for everyone.

I'll help heal our divisions. My experience, vision and collaborative style have earned endorsements from a broad coalition. Here's a sample of what my endorsers are saying:

"Will Moore is an independent thinker who understands the issues facing our local economy and small businesses."

-Jerry Sanders, Former Mayor; President and CEO, San Diego Regional Chamber of Commerce

"Will Moore has the experience and courage to tackle tough issues head on, like homelessness, affordable housing, and climate change." -City Councilmember Chris Ward

Learn more at [Mooreforsandiego.com](http://Mooreforsandiego.com) or call me at 858-210-7999.



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**PRESIDENTIAL GENERAL ELECTION**  
**NOVEMBER 3, 2020**

**CITY**

**CITY OF SAN DIEGO**  
**MAYOR**

**Vote for One**

- BARBARA BRY**  
Councilmember/Businesswoman
- TODD GLORIA**  
Assemblymember

**CITY OF SAN DIEGO**  
**CITY ATTORNEY**

**Vote for One**

- CORY BRIGGS**  
Attorney/Taxpayer Advocate
- MARA W. ELLIOTT**  
San Diego City Attorney

**CITY OF SAN DIEGO**  
**MEMBER, CITY COUNCIL**  
**DISTRICT NO. 3**

**Vote for One**

- STEPHEN WHITBURN**  
Community Nonprofit Director
- TONI DURAN**  
State Senator's District Representative

**CITY OF SAN DIEGO**  
**Member of the City Council - District No. 3**



**TONI DURAN**  
**Community Representative**

Endorsed by:

Senator Toni Atkins  
Congressmember Scott Peters  
Former State Senator Christine Kehoe

San Diego is in a time of unprecedented crisis with our health, economy, housing, and climate at risk. Let's take the power back from political insiders and solve these problems together for regular people!

As a proud LGBTQ Latina, I've struggled with housing instability myself, moving nine times to find affordable housing. In my job representing District Three for Senator Toni Atkins, I've worked on critical issues affecting women, veterans, small businesses, homelessness, LGBTQ, and human trafficking. I understand what it takes to serve everyone in D3!

As your City Councilmember, I will:

- Get serious about homelessness and fight for affordable housing that works for every neighborhood and every San Diegan.
- Help our economy recover. We must keep our communities safe, create jobs, and help small businesses.
- Reform local law enforcement. I'll push for needed changes in funding, training, and leadership.
- Fix our streets & sidewalks. A thriving, urban community needs well-maintained infrastructure.

Toni Duran "will engage with the community and work to tackle the biggest issues our city faces!" –La Raiz

Vote Toni Duran.  
A Voice for District Three!

[www.toniforsandiego.com](http://www.toniforsandiego.com)

**CITY OF SAN DIEGO**  
**Member of the City Council - District No. 3**



**STEPHEN WHITBURN**  
**Community Nonprofit Director**

Dear Neighbor,

Our community faces extraordinary challenges: the public health and economic disaster of COVID-19, the housing crunch, and widespread homelessness. To solve these crises, we need proven leadership.

I'm committed to ensuring a high quality of life in our neighborhoods. My top priorities are to end the homelessness crisis, improve housing affordability, and protect our environment. My team will work proactively for efficient and effective results.

My 20 years on nonprofit boards and community organizations have prepared me to be your strong voice at city hall. Professionally, I was an American Red Cross regional director, balanced multimillion-dollar budgets, and advanced access to high-quality healthcare.

We'll create a prosperous post-pandemic San Diego by supporting our residents and small businesses as we rebuild our economy. As your councilmember, I pledge to unify our community around building a strong and equitable recovery for all.

I'd be honored to earn your vote on November 3rd.

With gratitude,

Stephen Whitburn

Endorsed by:

National Union of Healthcare Workers  
San Diego City Firefighters  
Sierra Club  
Supervisor Nathan Fletcher  
Former Councilmember Donna Frye  
LGBTQ San Diego County News

100% rating by Planned Parenthood Action Fund of the Pacific Southwest

[whitburnforcouncil.com](http://whitburnforcouncil.com)

**OFFICIAL BALLOT**  
**SAN DIEGO COUNTY, CALIFORNIA**  
**PRESIDENTIAL GENERAL ELECTION**  
**NOVEMBER 3, 2020**

JUDICIAL	CITY
<b>JUDGE OF THE SUPERIOR COURT OFFICE NO. 30</b> <b>Vote for One</b> <input type="radio"/> <b>TIM NADER</b> Deputy Attorney General <input type="radio"/> <b>PAUL STARITA</b> Assistant U.S. Attorney	<b>CITY OF SAN DIEGO MEMBER, CITY COUNCIL DISTRICT NO. 5</b> <b>Vote for One</b> <input type="radio"/> <b>MARNI VON WILPERT</b> Deputy City Attorney, City of San Diego <input type="radio"/> <b>JOE LEVENTHAL</b> Attorney/Business Owner
SCHOOL	
<b>POWAY UNIFIED SCHOOL DISTRICT GOVERNING BOARD MEMBER TRUSTEE AREA A</b> <b>Vote for One</b> <input type="radio"/> <b>DARSHANA PATEL</b> Poway Unified School District Governing Board Member <input type="radio"/> <b>TIM DOUGHERTY</b> Educator/Engineer/Manager <input type="radio"/> <b>Write-in</b>	
COUNTY	
<b>MEMBER, BOARD OF SUPERVISORS DISTRICT NO. 3</b> <b>Vote for One</b> <input type="radio"/> <b>TERRA LAWSON-REMER</b> Economist/Small Businesswoman <input type="radio"/> <b>KRISTIN DIANE GASPAR</b> Supervisor/Business Owner	
CITY	
<b>CITY OF SAN DIEGO MAYOR</b> <b>Vote for One</b> <input type="radio"/> <b>BARBARA BRY</b> Councilmember/Businesswoman <input type="radio"/> <b>TODD GLORIA</b> Assemblymember	
<b>CITY OF SAN DIEGO CITY ATTORNEY</b> <b>Vote for One</b> <input type="radio"/> <b>CORY BRIGGS</b> Attorney/Taxpayer Advocate <input type="radio"/> <b>MARA W. ELLIOTT</b> San Diego City Attorney	

**635-EN-02-V1**

**CITY OF SAN DIEGO**  
**Member of the City Council - District No. 5**



**JOE LEVENTHAL**  
**Business Owner/Attorney**

These are challenging times. As a parent, homeowner, and business owner, I share your concerns about education, paying bills, and local jobs. I'm a long-time resident of District 5.

I'm running because I believe in public service. I've served our community as an Ethics Commissioner, on a nonprofit for kids with disabilities, and with thousands of other volunteer hours.

We need bold solutions and collaborative leadership. I get results working with people of all backgrounds. I will bring balance to an increasingly one-sided civic dialogue.

**My Priorities:**

- **Economy:** Safely get people back to work and businesses open.
- **Schools:** Support education with San Diego's federal COVID funds so parents have safe options.
- **Communities:** Oppose aggressive housing projects that overwhelm our infrastructure.
- **Roads:** Repair streets and reduce traffic, not expensive mass transit.
- **Fiscal Reform:** Accountability and smartly balanced budgets.
- **Public Safety:** First responders keep us safe. I oppose defunding law enforcement.
- **Homelessness:** Focus on mental health and addiction issues, not just housing.

**Endorsed by:**

Father Joe Carroll  
Sheriff Bill Gore  
Retired Police Chief Shelley Zimmerman  
Mayor Kevin Faulconer  
Councilman Mark Kersey  
Councilman Chris Cate  
Barbara Warden, Former Councilmember

And many more

Learn more: [www.JoeForSanDiego.com](http://www.JoeForSanDiego.com)

**CITY OF SAN DIEGO**  
**Member of the City Council - District No. 5**



**MARNI VON WILPERT**  
**Deputy City Attorney**  
**Prosecutor**

“Marni von Wilpert will put people over politics and deliver for us.”  
-Former District 5 Councilman Brian Maienschein

We need leaders who bring people together, work for what’s right for all San Diego and focus on getting things done – not politics or partisanship.

That’s Marni von Wilpert – she’s a prosecutor, Peace Corps volunteer and Scripps Ranch native who’s dedicated her life to service.

While extremists push division and disinformation, Marni relies on science and will work across party lines to safeguard public health, create jobs and make life better for San Diego families.

Tough, Tested Deputy City Attorney:

- Cracked down on coronavirus scammers.
- Protected taxpayers from frivolous lawsuits, saving millions.
- Worked with law enforcement and neighborhoods to reform homelessness policies.
- Prosecuted environmental polluters.

Marni von Wilpert’s Priorities:

- Public Health - Work with experts, not undermine them, to expand testing, tracing, treatment.
- Economic Recovery – Direct relief funds to small businesses, not well-connected corporations. Cut red tape.
- Neighborhood Safety – Keep first responders safely equipped. Gun violence prevention.
- Unite Our Community – Treat everyone with respect. Reject hate.

Endorsements:  
San Diego Firefighters  
Planned Parenthood Action Fund  
Sierra Club  
National Union of Healthcare Workers  
Betty Yee, State Controller  
Scott Peters, Congressman  
San Diegans for Gun Violence Prevention

[MarniforSanDiego.com](http://MarniforSanDiego.com)

**OFFICIAL BALLOT**  
**SAN DIEGO COUNTY, CALIFORNIA**  
**PRESIDENTIAL GENERAL ELECTION**  
**NOVEMBER 3, 2020**

**CITY**

**CITY OF SAN DIEGO**  
**MAYOR**

**Vote for One**

- BARBARA BRY**  
Councilmember/Businesswoman
- TODD GLORIA**  
Assemblymember

**CITY OF SAN DIEGO**  
**CITY ATTORNEY**

**Vote for One**

- CORY BRIGGS**  
Attorney/Taxpayer Advocate
- MARA W. ELLIOTT**  
San Diego City Attorney

**CITY OF SAN DIEGO**  
**MEMBER, CITY COUNCIL**  
**DISTRICT NO. 7**

**Vote for One**

- RAUL CAMPILLO**  
San Diego Deputy City Attorney
- NOLI ZOSA**  
Small Business Owner

SAMPLE

**CITY OF SAN DIEGO**  
**Member of the City Council - District No. 7**



**RAUL CAMPILLO**  
**Deputy City Attorney / Prosecutor**  
**Gun Violence Prevention Expert**  
**Former Public School Teacher**

Endorsements:

National Union of Healthcare Workers  
San Diego City Firefighters  
Planned Parenthood Action Fund of the Pacific Southwest  
Sierra Club  
San Diego Municipal Employees Association  
State Senator Toni Atkins

- **Leadership:** Deputy City Attorney Raul Campillo has the strong, experienced leadership San Diego needs to rebuild our local economy and help families devastated by COVID-19. Raul will help small businesses bounce back and rehire workers while securing our public health, implementing solutions to the mental health and homelessness crises, building more affordable housing, standing up to special interest luxury housing developers, preserving Mission Trails and Cowles Mountain, making public transit faster and safer, and fixing our roads.
- **Protecting Families:** As Deputy City Attorney, Raul fights daily for our community's safety by securing Gun Violence Restraining Orders, taking guns from dangerous criminals and domestic abusers, which spiked during COVID-19.
- **Background:** Born and raised in San Diego, Raul attended Linda Vista's Uni High School and Harvard Law School and taught in one of America's poorest communities.
- **Purpose:** Raul lost his brother to the Opioid Epidemic and has fought for families and victims throughout his career. He fights for you.

I humbly ask for your vote.  
[www.RunWithRaul.com](http://www.RunWithRaul.com)



**CITY OF SAN DIEGO**  
**Member of the City Council - District No. 7**



**NOLI ZOSA**  
**Small Business Owner**

COVID's healthcare, economic and unemployment crisis has hurt families and created the most challenging city budget in a decade.

I'm a small business owner who has advocated for our community for nearly 30 years. After law school at USD, I joined my family's small business before co-founding a well-known restaurant chain, Dirty Birds – we employ over 100 San Diegans. Over the years I've served on the boards of 14 community groups, commissions, and non-profits like the YMCA – I currently serve on the City's Park and Recreation and Mobility Boards.

My small business background, experience and proven history of dedication to our community make me uniquely qualified for these challenging times. Many of our city's most distinguished leaders recognize this and support me, including:

Father Joe Carroll  
Mayor Kevin Faulconer  
SD County Sheriff Bill Gore  
SD Police Chief Shelly Zimmerman (Ret.)

The Union-Tribune endorsed me for the primary and noted: "Zosa isn't a go-along-to-get-along guy."

As your councilmember, I'll also prioritize reducing homeless, fixing streets and traffic, and keeping our neighborhoods safe. I support reform but oppose defunding law enforcement.

Questions? Call me on my cell: (619)723-9061, [www.Noli2020.com](http://www.Noli2020.com)

**OFFICIAL BALLOT**  
**SAN DIEGO COUNTY, CALIFORNIA**  
**PRESIDENTIAL GENERAL ELECTION**  
**NOVEMBER 3, 2020**

CITY	STATE	
<b>CITY OF SAN DIEGO</b> <b>CITY ATTORNEY</b> <b>Vote for One</b> <input type="radio"/> <b>CORY BRIGGS</b> <i>Attorney/Taxpayer Advocate</i> <input type="radio"/> <b>MARA W. ELLIOTT</b> <i>San Diego City Attorney</i>	<b>PROP 15 INCREASES FUNDING SOURCES FOR PUBLIC SCHOOLS, COMMUNITY COLLEGES, AND LOCAL GOVERNMENT SERVICES BY CHANGING TAX ASSESSMENT OF COMMERCIAL AND INDUSTRIAL PROPERTY. INITIATIVE CONSTITUTIONAL AMENDMENT.</b> Taxes such properties based on current market value, instead of purchase price. Fiscal Impact: Increased property taxes on commercial properties worth more than \$3 million providing \$6.5 billion to \$11.5 billion in new funding to local governments and schools.	
<b>CITY OF SAN DIEGO</b> <b>MEMBER, CITY COUNCIL</b> <b>DISTRICT NO. 9</b> <b>Vote for One</b> <input type="radio"/> <b>KELVIN BARRIOS</b> <i>Community Outreach Director</i> <input type="radio"/> <b>SEAN ELO-RIVERA</b> <i>Youth Nonprofit Executive Director</i>		
<b>MEASURES SUBMITTED TO THE VOTERS</b>		
<b>STATE</b>	<input type="radio"/> <b>YES</b>	<input type="radio"/> <b>NO</b>
<b>PROP 14 AUTHORIZES BONDS CONTINUING STEM CELL RESEARCH. INITIATIVE STATUTE.</b> Authorizes \$5.5 billion state bonds for: stem cell and other medical research, including training; research facility construction; administrative costs. Dedicates \$1.5 billion to brain-related diseases. Appropriates General Fund moneys for repayment. Expands related programs. Fiscal Impact: Increased state costs to repay bonds estimated at about \$260 million per year over the next roughly 30 years.		
<input type="radio"/> <b>YES</b>	<input type="radio"/> <b>NO</b>	

**603-EN-04-V1**

**CITY OF SAN DIEGO**  
**Member of the City Council - District No. 9**



**KELVIN BARRIOS**  
**Director of Community Outreach**

Dear Neighbor,

I was raised by working-class immigrant parents and have served District 9 for a decade. From Vice President of my town council and member of my local planning group, to policy advisor - I have a deep understanding of the needs of our neighborhoods.

These past few months have been a struggle for working families. Loss of employment and heightened disparities in health, housing and food security are challenges our communities are going through. Now, as our city faces tough budgetary years to focus on COVID recovery, we need a leader who can hit the ground running on day one. My work advocating for neighborhoods in city government, combined with my community organizing background, makes me the best equipped to protect and fight for our neighborhood services.

If elected, my priorities are: Building economic prosperity and creating jobs; Addressing the housing and homelessness crisis; Fixing the crumbling infrastructure.

District 9 deserves responsive, accessible leadership. I'm committed to be a strong champion who will ensure that our neighborhoods are heard and represented.

Visit [www.kelvinbarrios.com](http://www.kelvinbarrios.com).

Endorsed by: National Union of Healthcare Workers, Supervisor Nathan Fletcher, Council President Georgette Gómez, San Diego City Firefighters.

**CITY OF SAN DIEGO**  
**Member of the City Council - District No. 9**



**SEAN ELO-RIVERA**  
**Governing Board Member, San Diego**  
**Community College District/Youth Advocate**

**Opportunity for All**

I am a husband, son, brother, nonprofit leader, and community organizer, rooted in our community and building my family here.

I am running for office because I love our community and I believe in opportunity for all.

I will serve you with integrity and promise to listen to you, not powerful special interests.

For 20 years, I've delivered results -- leading large organizations, overseeing a \$750,000,000 budget, delivering education to 100,000 students, saving taxpayers \$80,000,000, and earning colleagues' trust. Now, I will unite our community for a better future.

**Priorities:**

- Racial Justice  
Black Lives Matter - Protect Immigrants and Refugees
- COVID-19 Recovery  
Protect health - Save jobs and small businesses - Prevent evictions and foreclosures
- Housing and Homelessness  
End homelessness – Improve affordability
- Clean and Healthy Neighborhoods  
Combat climate change - Safer streets - More parks
- Safety and Justice  
More accountability - Fight corruption
- Educational and Economic Opportunity  
Support schools - Good jobs - Affordable childcare

**Education:**

- Bachelor of Arts, Chapman University
- Juris Doctor, California Western School of Law, San Diego

**Endorsements:**

- Congressman Scott Peters
- Councilwoman Monica Montgomery
- San Diego La Raza Lawyers Association

Call or text me - 619.908.0148 or visit [www.seanelo.com](http://www.seanelo.com)

**OFFICIAL BALLOT**  
**SAN DIEGO COUNTY, CALIFORNIA**  
**PRESIDENTIAL GENERAL ELECTION**  
**NOVEMBER 3, 2020**

<b>STATE</b>		<b>CITY OF SAN DIEGO</b>	
<p><b>PROP 25 REFERENDUM ON LAW THAT REPLACED MONEY BAIL WITH SYSTEM BASED ON PUBLIC SAFETY AND FLIGHT RISK.</b> A "Yes" vote approves, and a "No" vote rejects, law replacing money bail with system based on public safety and flight risk. Fiscal Impact: Increased costs possibly in mid hundreds of millions of dollars annually for a new process for release from jail prior to trial. Decreased county jail costs, possibly in high tens of millions of dollars annually.</p>		<p><b>MEASURE B CHARTER AMENDMENTS ESTABLISHING COMMISSION ON POLICE PRACTICES.</b> Shall the City Charter be amended to dissolve the Community Review Board on Police Practices and replace it with a Commission on Police Practices, with members appointed by the City Council, its own staff, subpoena power, independent legal counsel, and authority to investigate police officer misconduct, review complaints against officers, and make recommendations on police officer discipline, police policies, and Police Department legal compliance?</p>	
<input type="radio"/> <b>YES</b>	<input type="radio"/> <b>NO</b>		
<b>CITY OF SAN DIEGO</b>		<input type="radio"/> <b>YES</b>	<input type="radio"/> <b>NO</b>
<p><b>MEASURE A GENERAL OBLIGATION BONDS FOR AFFORDABLE HOUSING.</b> To provide permanent and supportive housing for extremely low- to low-income individuals and families, including supportive mental health and substance abuse services, for populations including veterans, seniors, the disabled, youth and the homeless, shall the City of San Diego issue up to \$900 million in general obligation bonds financed by property tax assessments estimated between approximately \$3 and \$21 per each \$100,000 of assessed valuation for fiscal years 2022 through 2068?</p>		<p><b>MEASURE E REMOVING 30-FOOT HEIGHT LIMIT IN MIDWAY-PACIFIC HIGHWAY COMMUNITY PLAN AREA.</b> Shall People's Ordinance O-10960 be amended to exclude the Midway-Pacific Highway Community Plan area, which includes the Sports Arena, from the 30-foot height limit on buildings in the Coastal Zone, with any future development still required to comply with other governing laws?</p>	
<input type="radio"/> <b>YES</b>	<input type="radio"/> <b>NO</b>	<input type="radio"/> <b>YES</b>	<input type="radio"/> <b>NO</b>

**221-EN-08-V1**

**OFFICIAL BALLOT**  
**SAN DIEGO COUNTY, CALIFORNIA**  
**PRESIDENTIAL GENERAL ELECTION**  
**NOVEMBER 3, 2020**

**SAN DIEGO UNIFIED  
SCHOOL DISTRICT**

**MEASURE C CHARTER  
AMENDMENT: DISTRICT-ONLY  
ELECTIONS FOR SCHOOL  
BOARD MEMBERS.**

Shall the Charter be amended to change the process for electing School Board members in the San Diego Unified School District, by providing that voters in individual sub-districts nominate and elect their representative in both the primary and general elections, rather than the current system in which candidates are nominated in individual sub-districts in the primary but advance to a general election in the entire School District?

YES

NO

**MEASURE D CHARTER  
AMENDMENT: PROCEDURES TO  
REMOVE SCHOOL BOARD  
MEMBERS FOR CAUSE AND TO  
FILL VACANCIES.**

Shall the City Charter be amended to include the office of School Board member from the San Diego Unified School District under City laws that address removal of elected officials for cause, filling vacancies in elected office, and succession to office?

YES

NO

# CITY OF SAN DIEGO

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

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## MEASURE A.

**GENERAL OBLIGATION BONDS FOR AFFORDABLE HOUSING.** To provide permanent and supportive housing for extremely low- to low-income individuals and families, including supportive mental health and substance abuse services, for populations including veterans, seniors, the disabled, youth and the homeless, shall the City of San Diego issue up to \$900 million in general obligation bonds financed by property tax assessments estimated between approximately \$3 and \$21 per each \$100,000 of assessed valuation for fiscal years 2022 through 2068?

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Passage of this measure requires the affirmative vote of two-thirds of those qualified electors voting on the matter. Full text of this measure follows the arguments.

### OFFICIAL TITLE AND SUMMARY

#### BALLOT TITLE

Affordable Housing Bond Measure for the Acquisition or Improvement of Real Property to Provide Permanent Supportive and Affordable Housing for Vulnerable Populations

#### BALLOT SUMMARY

This measure would increase property taxes on real property within the City of San Diego (City), which would be used to secure up to \$900 million in bonds to be issued by the City, all for the purpose of providing permanent supportive and affordable housing for vulnerable populations.

Additional taxes to be levied are estimated to be approximately \$3.14 per \$100,000 of a property's assessed valuation in fiscal year 2022, increasing to a maximum of \$20.85 per \$100,000 over the life of the bonds. The taxable or tax-exempt general obligation bonds supported by the new tax revenue would be issued in multiple series over seven years. Bond proceeds would be used to acquire or improve real property to provide permanent supportive and affordable housing for vulnerable populations, but may not be used to finance services or operations.

"Vulnerable populations" includes: (1) extremely low income, or (2) very-low income, or (3) low-income individuals or families, veterans, youth, seniors, the disabled, homeless individuals or chronically homeless individuals, those at serious risk of becoming homeless, and individuals suffering from mental health or substance abuse illnesses. "Affordable housing" may include: (1) facilities for which assistance and services, such as mental health treatment, healthcare, drug and alcohol treatment, education, and job training may be provided by the City, other public entities, non-profit entities and/or private entities and (2) infrastructure and landscaping, including utilities, sidewalks, and streets that are directly related to and necessary for the acquisition, construction, or improvement of the affordable housing.

If the measure is approved, the City intends to distribute new affordable housing across the City and to leverage bond proceeds by attracting private and public matching funds, including from state and federal sources.

If approved, bond proceeds will be administered by the San Diego Housing Commission, reporting to the City Council (Council). The Council will adopt an annual allocation plan to govern how proceeds are used and spent.

## BALLOT SUMMARY (CONTINUED)

The Council will receive annual reports describing the amount of bond proceeds collected and spent, and the status of every project required or authorized to be funded with the proceeds.

The Council will establish an advisory Citizens' Oversight Committee (the Committee) of individuals with relevant professional experience to advise on and monitor all proposed affordable housing projects funded with bond proceeds. The Committee will advise the Council to help ensure fiscal accountability. An auditor, selected by the Committee after a competitive process, will also review how proceeds are spent.

Certain property owners are subject to the City's Inclusionary Affordable Housing Regulations or Housing Impact Fees on Commercial Development. If this measure is approved, the Council will introduce an ordinance providing that property owners subject to these laws will be entitled to a credit or reimbursement of such fees and costs, in an amount equal to the tax they would pay under this measure.

### CITY ATTORNEY IMPARTIAL ANALYSIS

California law allows the City of San Diego to issue general obligation bonds with the affirmative vote of two-thirds of those qualified electors voting on the matter in the election.

This ballot measure would allow the City to borrow up to \$900 million by issuing and selling general obligation bonds. The City would use this money to acquire or improve real property in order to provide permanent supportive and affordable housing for vulnerable populations. The money could not be used to finance services or operations.

If the measure is approved, the bond proceeds could be leveraged by attracting private and public matching funds, including from state and federal sources.

"Vulnerable populations" includes extremely low income, very-low income or low-income:

- individuals or families,
- veterans,
- youth,
- seniors,
- disabled people,
- homeless individuals, chronically homeless individuals, or those at serious risk of becoming homeless, and
- individuals suffering from mental health or substance abuse illnesses.

"Affordable housing" may include:

- facilities for which assistance and services, such as mental health treatment, healthcare, drug and alcohol treatment, education, and job training may be provided by the City, other public entities, non-profit entities and/or private entities, and
- infrastructure and landscaping, including utilities, sidewalks, and streets that are directly related to and necessary for the acquisition, construction, or improvement of the affordable housing.

Affordable housing acquired or improved using bond funds could be sold or rented at below market rates.

If approved, this measure would require the City to prepare a public report each year describing the amount of the funds collected and spent, and the status of any projects paid for with bond funds. The Council would establish a Citizens' Oversight Committee to review each annual report and would require an independent auditor to review the City's expenditure of bond funds.



## CITY ATTORNEY IMPARTIAL ANALYSIS (CONTINUED)

If approved, the measure would allow a property tax increase to pay debt service on the bonds. The City estimates that the new property taxes to be paid by property owners during the first fiscal year after the sale of the first series of bonds will be approximately \$3.14 per \$100,000 of assessed value of taxable real property. The City estimates that the tax rate over the life of the bonds would range from approximately \$3.14 per \$100,000 of assessed value to \$20.85 per \$100,000 of assessed value of taxable real property.

The measure requires approval by two-thirds of the qualified voters of the City of San Diego who vote on the measure in order for it to be approved.

A “yes” vote would authorize the issuance and sale of up to \$900,000,000 of general obligation bonds secured by new taxes on real property located within the City to provide affordable housing.

A “no” vote would not authorize the issuance and sale of the bonds or the related tax.

## FISCAL IMPACT ANALYSIS

This measure would authorize the City of San Diego (City) to issue taxable or tax-exempt general obligation bonds (Bonds) in an amount not to exceed \$900 million to provide permanent supportive and affordable housing within the City for vulnerable populations (Affordable Housing). Vulnerable populations include extremely low-income, very-low income, and low-income individuals and families. These income thresholds are defined using federal standards and currently include households with zero income up to \$92,400 for a family of four.

If approved, Bond proceeds (net of issuance costs) will be used with other sources of affordable housing financing, to facilitate additional affordable and supportive homes. Bond proceeds may also be spent for facilities such as treatment, healthcare, education and job training, as well as landscaping and infrastructure directly related to Affordable Housing. Bond proceeds will not be used to finance services or operations, nor are they intended to entirely replace existing funding sources supporting Affordable Housing.

The San Diego Housing Commission (Commission) will administer the Bond proceeds. It reports to the City Council and will receive advice from a Citizens' Oversight Committee with relevant professional experience. **The Commission will need additional staff to administer the Bond proceeds, at a cost of approximately \$900,000 annually until all Bond proceeds have been utilized.**

This measure also contains a provision that could result in a credit or reimbursement for certain developers/owners of real property who have either paid a separate fee supporting Affordable Housing or who elect, or have elected, to construct Affordable Housing. If this credit/reimbursement provision were to be approved by City Council, it would reduce other funds available for Affordable Housing, in an amount that cannot yet be determined.

**Principal and interest payments on the Bonds (Debt Service), currently estimated at \$2.1 billion over 46 years, would be assessed to owners of taxable real property in the City until all Bonds have matured.** Debt Service assessments would be included in each property owner's annual property tax bill. The City preliminarily expects to issue Bonds annually for seven consecutive years beginning in 2022 (up to \$900 million). Annual Debt Service assessments for property owners would increase with the issuance of each new Bond.

## FISCAL IMPACT ANALYSIS (CONTINUED)

Assuming a \$150 million 40-year taxable Bond is the first to be issued in 2022, the annual tax is estimated to be \$3.14 per \$100,000 of assessed property value, or \$21.33 for a median value home in the City with an assessed valuation of \$679,000. If additional \$125 million 40-year taxable Bonds were to be issued in each of the next 6 years, to reach the maximum Bond authorization of \$900 million, the annual tax would increase to \$20.85 per \$100,000 of assessed property value in 2028, or \$141.54 annually for a \$679,000 median value home in the City. These tax estimates are based on assumptions that are subject to change over time, including the assessed value of real property in the City, bond interest rates, bond terms, bond ratings, and the timing of bond issuances.

## ARGUMENT IN FAVOR OF MEASURE A

**Over 5,000 individuals in the city of San Diego are homeless.  
There are homeless encampments in nearly every neighborhood in our city.**

This growing crisis affects every neighborhood – impacting public health and safety and hurting local businesses. Everyone pays a daily price for our failure to address this human tragedy.

San Diego has tried various strategies to address this issue. But homelessness persists, and at times it seems as if there will never be a real solution.

Measure A is different. This local investment not only allows us to address homelessness, but also provides affordable homes so hard-working San Diego families can afford to stay in our city. It will also generate the local resources necessary to receive millions in federal and state matching funds that we currently leave on the table.

### **Your YES vote on Measure A will:**

- Create homes for local homeless children and their families living in shelters, on the streets or in danger of becoming homeless.
- Provide homes for San Diegans experiencing chronic homelessness, where they can get supportive mental health services, drug and alcohol treatment, job training and placements.
- Ensure families can afford housing and still have enough money for basics like food, transportation and childcare.
- Create safe, clean and healthy homes for low-income seniors, veterans and those with disabilities.
- Provide affordable homes near jobs for low-income families.
- In the time of COVID, provide homes where those most vulnerable to infection can get the care they need for themselves and to protect others.
- Create thousands of good-paying construction jobs to help our region rebound from the COVID-created economic crisis.

With Measure A, we can all do our part to help solve homelessness and keep San Diego affordable for all.

### **Vote YES on Measure A!**

[www.homesfordsd.com](http://www.homesfordsd.com)

TAMERA KOHLER  
CEO, Regional Task force on the Homeless

CHRIS WARD  
San Diego City Councilmember,  
Co-chair, Regional Task Force on the Homeless

ELIZABETH R. CUESTAS  
President & CEO, Casa Familiar,  
affordable housing advocates

Dr. JIM DUNFORD  
Former Director of Emergency Medical Services,  
City of San Diego  
Professor Emeritus of Emergency Medicine,  
UC San Diego School of Medicine

DEACON JIM VARGAS  
President & CEO, Father Joe's Villages

# ARGUMENT AGAINST MEASURE A

## **No on Measure A: It's a Massive Property Tax Increase**

In just the first five years under Measure A, the average homeowner will see their property tax increased by \$500 or more! Taxpayers will be on the hook to pay for this property tax increase for more than 40 years!

San Diego already has the highest property tax rate in the county and too many working families are struggling with the high cost-of-living already. In the midst of a pandemic, San Diegans can't afford a massive property tax increase.

## **No on Measure A: It Lines the Pockets of Special Interests**

Measure A fails to protect taxpayers by refusing to ban controversial Project Labor Agreements. These PLAs are sweetheart deals at taxpayer's expense that discriminate against non-union firms which are predominantly small, veteran-owned and minority-owned businesses.

## **No on Measure A: More Debt and a Waste of Taxpayer Money**

Under Measure A, taxpayers will authorize city politicians to take on \$900 million in additional debt at a cost of over \$2 billion to city taxpayers!

Recent studies have shown the kinds of projects that would be funded by Measure A have been riddled with wasteful spending and financial mismanagement. A recent audit of similar projects in Los Angeles found that the well-connected developer's "soft costs," (e.g. consultants, fees, and financing) was unusually high and accounted for 35%-40% of the cost of each project funded by taxpayers.

**For more information go to [CleanUpCityHall.com](http://CleanUpCityHall.com)**

## **Join us in Voting No on Measure A**

CARL DEMAIO  
Chairman  
Reform California

SCOTT SHERMAN  
Chairman  
San Diego Audit Committee

CHRIS CATE  
Chairman  
San Diego Economic Development  
and Intergovernmental Relations  
Committee

RICHARD RIDER  
Chairman  
San Diego Tax Fighters

## FULL TEXT OF MEASURE A

### **AUTHORIZATION FOR THE CITY OF SAN DIEGO TO ISSUE GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED \$900 MILLION TO GENERATE FUNDING FOR PERMANENT SUPPORTIVE AND AFFORDABLE HOUSING**

The San Diego City Council (Council) recognizes the existence of a housing crisis in the City of San Diego (City). Rising costs of home ownership and the increasing cost of rental units have resulted in an increasing number of homeless individuals. The latest homeless count revealed a total of 4,887 homeless individuals in the City, with 2,283 unsheltered.

The Council is placing this general obligation bond measure (Bond Measure) on the ballot which, if approved, would authorize the City to issue and sell taxable or tax-exempt bonds in accordance with the City Charter and pursuant to certain provisions of the California Government Code, including Article 1, commencing with Section 43600, of Chapter 4 of Division 4 of Title 4 and including Article 4.5, commencing with Section 53506, of Chapter 3 of Part 1 of Division 2 of Title 5 (collectively, the Bond Law), in an amount not to exceed \$900 million, for the acquisition or improvement of real property in order to provide within the City permanent supportive and affordable housing for vulnerable populations (Affordable Housing).

For purposes of the Bond Measure, the following definitions will apply:

“Vulnerable populations” includes: (1) extremely low income, or (2) very-low income, or (3) low-income individuals or families, veterans, youth, seniors, the disabled, the homeless or chronically homeless, those at serious risk of becoming homeless, and individuals suffering from mental health or substance abuse illnesses.

The following definitions shall apply, as cited above in the definition of “vulnerable populations:”

(1) “Extremely low income” includes individuals and families whose income does not exceed 30 percent of area median income, as established and revised periodically by the U.S. Department of Housing and Urban Development (HUD) for the County of San Diego;

(2) “Very low income” includes individuals and families whose income does not exceed 50 percent of area median income, as established and revised periodically by HUD for the County of San Diego; and

(3) “Low income” includes individuals and families whose income does not exceed 80 percent of area median income, as established and revised periodically by HUD for the County of San Diego.

The Affordable Housing may be provided at below-market rates and may also be provided in connection with supportive mental health and substance abuse services.

Bond proceeds used for vulnerable populations may also be used to fund:

(a) facilities for which assistance and services, such as mental health treatment, healthcare, drug and alcohol treatment, education, and job training may be provided by the City, other public entities, non-profit entities, and/or private entities; and

(b) infrastructure and landscaping, including utilities, sidewalks, and streets that are directly related to and necessary for the acquisition, construction, or improvement of the Affordable Housing.

## FULL TEXT OF MEASURE A (CONTINUED)

The Council views housing as a critical need of vulnerable populations, without which individuals in these populations are unlikely to achieve stability. Creating and improving housing for the City's vulnerable populations is consistent with the City's mission to plan for the needs of a dynamic community, provide quality services and promote a healthy, safe, and prosperous community for all.

### OVERVIEW AND ACCOUNTABILITY SAFEGUARDS

#### **Statement of Purpose**

The specific purpose of the Bond Measure is to fund the acquisition or improvement of real property to provide Affordable Housing to reduce homelessness in the City. Bond proceeds will be used to assist "vulnerable populations," which includes: (1) extremely low income, or (2) very-low income, or (3) low-income individuals or families, veterans, youth, seniors, the disabled, the homeless or chronically homeless, those at serious risk of becoming homeless, and individuals suffering from mental health or substance abuse illnesses.

Bond proceeds may also be used for the following: (1) facilities for which assistance and services, such as mental health treatment, healthcare, drug and alcohol treatment, education, and job training may be provided by the City, other public entities, non-profit entities, and/or private entities and (2) infrastructure and landscaping, including utilities, sidewalks, and streets that are directly related to and necessary for the acquisition, construction, or improvement of the Affordable Housing.

Bond proceeds may also be used, as part of the acquisition or improvement of real property, to provide the Affordable Housing (1) to pay the legal or other fees incidental to or connected with the authorization, issuance, and sale of the bonds and (2) to pay the costs of printing the bonds and other costs and expenses incidental to or connected with the authorization, issuance, and sale of the bonds (together, Costs of Issuance).

The Bond Measure responds to needs identified in the Resolution of Necessity adopted by the Council on January 14, 2020, as Resolution No. R-312816, which identified the need for more than 5,000 new homes for those who are homeless or at risk of becoming homeless.

The City intends to distribute the new Affordable Housing across the City and to leverage the bond proceeds by attracting both private and public matching funds, including from state and federal sources. Different forms of assistance for the specified vulnerable populations may be provided based on programs and spending as determined by the Council.

The proceeds of any bonds issued pursuant to this Bond Measure shall be applied only to these specific purposes.

#### **Applicability**

This Bond Measure, if approved, will apply to all taxable real property within the City. Within 3 months of the certification of the voters' approval of this Bond Measure, the Council shall introduce an enforceable ordinance (Subsequent Ordinance) that, if adopted, would provide that certain developers/owners of real property (Developers) will be eligible to receive a credit (Credit) or reimbursement (Reimbursement) in an amount equal to the amount of Affordable Housing Tax they pay. Developers subject to either the Inclusionary Affordable Housing Regulations, codified in Chapter 14, Article 2, Division 13 of the Municipal Code, or Housing Impact Fees on Commercial Development, codified in Chapter 9, Article 8, Division 6 of the Municipal Code (collectively, the Ordinances), will be entitled to the Credit which will be applied toward fees the Developers have paid pursuant to the Ordinances to support the supply of, or the costs of, constructing actual units that qualify as Affordable Housing (Inclusionary Housing/Linkage Fees). Developers that elect or have previously elected to construct Affordable Housing units as required by the Ordinances will be entitled to reimbursement (Reimbursement) in the amount of the Inclusionary Housing/Linkage

## **FULL TEXT OF MEASURE A (CONTINUED)**

Fees those Developers would have paid pursuant to the Ordinances. The amount of the Credit or Reimbursement received by Developers may never exceed the total amount of Inclusionary Housing/Linkage Fees paid, or that would have been paid, by the Developers. Guidelines for the application of the Credit or Reimbursement will be delineated in the Subsequent Ordinance.

### **Principal Amount and Estimated Cost**

This Bond Measure, if approved, would authorize the City to issue and sell taxable or tax-exempt bonds in accordance with the Bond Law in a principal amount not to exceed \$900 million, which is also the estimated cost of the proposed Affordable Housing.

If bonds are approved, the City expects to sell the bonds in phases, as qualified projects are identified and ready to be funded. The City expects to sell bonds in multiple series over 7 years from the issuance date of the first series, for a total not to exceed \$900 million.

### **Maximum Interest Rate**

The rate of interest to be paid on the bonds shall be market rates at the time of their issuance. However, the maximum rate of interest allowed to be paid on the bonds shall be eight percent (8%). Said interest shall be payable semiannually except that interest for the first year after the date of the bonds may be made payable at the end of said year.

### **Special Bond Proceeds Account**

The proceeds of the bonds issued pursuant to this measure shall be deposited in a special account created by the City.

### **Administration**

The program funds will be administered by the San Diego Housing Commission (Housing Commission), reporting to the Council as the City of San Diego Housing Authority.

### **Annual Plan**

Bond proceeds will be used and expended in accordance with an annual allocation plan adopted by the Council. Proceeds will pay for costs associated with acquiring and improving real properties, as well as Costs of Issuance. Bond proceeds will not be used to finance services or operations, nor are they intended to entirely replace existing funding sources currently dedicated to developing similar Affordable Housing or facilities that provide homeless services.

### **Annual Report**

The City's Chief Operating Officer, working with the City's Department of Finance and the Housing Commission, will ensure that an annual report is prepared pursuant to California Government Code section 53411, describing the amount of bond proceeds collected and expended, and the status of every project required or authorized to be funded with such proceeds. The parties responsible for the report shall ensure that it is submitted each year to the Council and filed with the City Clerk.

### **Citizens' Oversight Committee**

An advisory Citizens' Oversight Committee (Committee) composed of representatives or professionals in the areas of public finance, housing, homeless services, community and economic development, and architecture, will be established by ordinance of the Council.

## FULL TEXT OF MEASURE A (CONTINUED)

Committee members will be appointed as stated in the ordinance, and in accordance with the City Charter's appointment procedures, similar to the manner that appointments are made to advisory boards under San Diego Charter section 43(a). In this case, however, the Committee will advise the Housing Commission. The Committee's duties, to be included in the ordinance, will include reviewing all proposed Affordable Housing projects and receiving progress reports on the Affordable Housing projects funded with the bond proceeds. The Committee will also be tasked with reviewing the Annual Report each year to ensure fiscal accountability, and in turn will report on its review to the Council.

### **Independent and External Audit**

An external auditor will review the spending of bond proceeds to ensure accountability. The auditor will be selected by the Committee and confirmed by the Council after a competitive process that follows City contracting practices.

### **Severability**

If any provision of this Bond Measure, or its application to any person or circumstance is determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, that determination shall have no effect on any other provision of this Bond Measure and, to that end, the provisions of this Bond Measure are severable.

## TAX RATE STATEMENT

A Municipal Special Election will be held in the City of San Diego, State of California (City) on November 3, 2020, to ask voters to authorize the sale of general obligation bonds of the City, in an amount not to exceed \$900 million, to mitigate the City's housing crisis. Bond proceeds will be used to provide permanent supportive and affordable housing for vulnerable populations (Affordable Housing), which will help to reduce homelessness in the City. Bond proceeds will be used to assist "vulnerable populations," which includes: (1) extremely low income, or (2) very-low income, or (3) low-income individuals or families, veterans, youth, seniors, the disabled, the homeless or chronically homeless, those at serious risk of becoming homeless, and individuals suffering from mental health or substance abuse illnesses.

The Affordable Housing may include: (1) facilities for which assistance and services, such as mental health treatment, healthcare, drug and alcohol treatment, education, and job training may be provided by the City, other public entities, non-profit entities and/or private entities and (2) infrastructure and landscaping, including utilities, sidewalks, and streets that are directly related to and necessary for the acquisition, construction, or improvement of the Affordable Housing.

The proceeds of any bonds issued pursuant to this Bond Measure shall be applied only to these specific purposes.

If the Bond Measure is approved, the City expects to issue and sell the taxable or tax-exempt bonds in accordance with the Bond Law in multiple series over 7 years from the issuance date of the first series. Principal and interest on the bonds will be payable from the proceeds of taxes levied upon taxable property located within the City. The following information is provided in compliance with Sections 9400 to 9404 of the Elections Code of the State of California:

- The best current estimate of the tax that would be required to be levied to fund this Bond Measure during the first fiscal year of the sale of the first series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is \$0.00314 per \$100 (\$3.14 per \$100,000) of assessed valuation in fiscal year 2022.



## FULL TEXT OF MEASURE A (CONTINUED)

- The best current estimate of the tax that would be required to be levied to fund this Bond Measure during the first fiscal year of the sale of the last series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is \$0.02085 per \$100 (\$20.85 per \$100,000) of assessed valuation in fiscal year 2028.
- The best current estimate of the highest tax rate that would be required to be levied to fund this Bond Measure, based on estimated assessed valuations available at the time of filing of this statement, is \$0.02085 per \$100 (\$20.85 per \$100,000) of assessed valuation in fiscal years 2028 through 2062.
- The best current estimate of the final fiscal year in which the tax is anticipated to be collected is 2068.
- The best current estimate of the total debt service, including the principal and interest, that would be required to be repaid if all of the bonds are issued and sold is approximately \$2.1 billion.

Voters are directed to the fact that the foregoing information is based upon the City's projections and estimates only, which are not binding upon the City. Further, voters should note that the above estimates do not account for impacts to the tax rate if the Subsequent Ordinance is adopted.

The estimates provided herein do not account for the taxes levied to pay for bonds issued by the City pursuant to prior ballot measures approved by voters authorizing the issuance of bonds, if any.

Voters should note:

- The actual tax rates and the years in which they will apply may vary from those presently estimated, due to variations from these estimates in the timing of bond sales, the amount of bonds sold at any given sale, market interest rates at the time of each bond sale, the credit quality of the City at the time each issue is sold, and actual assessed valuations of the real property being taxed over the term of repayment of the bonds, among other factors.
- The actual dates of issuance and sale of the bonds and the amount sold at any given time will be governed by the Affordable Housing needs of the City, as the City may determine, through the Committee and the Housing Authority, and other factors.
- The actual interest rates at which the bonds will be issued and sold will depend on the bond market at the time of each sale.
- Actual future assessed valuations of the real property being taxed pursuant to this Bond Measure will depend upon the amount and value of taxable real property within the City as determined in the annual assessment and the equalization process conducted by the County of San Diego.

**END OF MEASURE**

# CITY OF SAN DIEGO

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

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## MEASURE B.

**CHARTER AMENDMENTS ESTABLISHING COMMISSION ON POLICE PRACTICES.** Shall the City Charter be amended to dissolve the Community Review Board on Police Practices and replace it with a Commission on Police Practices, with members appointed by the City Council, its own staff, subpoena power, independent legal counsel, and authority to investigate police officer misconduct, review complaints against officers, and make recommendations on police officer discipline, police policies, and Police Department legal compliance?

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This measure requires approval of a simple majority (50% plus 1) of those voting on the measure.  
Full text of this measure follows the argument.

## OFFICIAL TITLE AND SUMMARY

### BALLOT TITLE

Amendments to the San Diego City Charter Relating to Dissolving the Community Review Board on Police Practices and Establishing a Commission on Police Practices.

### BALLOT SUMMARY

This measure would amend the San Diego City Charter (Charter) to dissolve the Community Review Board on Police Practices and establish a Commission on Police Practices (Commission), including key elements of the Commission's structure and responsibilities.

The Charter presently authorizes the Mayor and the City Council (Council) to establish a Community Review Board on Police Practices (CRB) to review and evaluate citizens' complaints against members of the City's Police Department and the Police Department's administration of discipline arising from complaints. The CRB presently must review all deaths occurring while a person is in the Police Department's custody and all police officer-related shootings. CRB members are appointed by the Mayor with Council confirmation.

This measure would amend the Charter to dissolve the CRB and replace it with a Commission, established as an investigatory body of the City, with members appointed by the Council. The Commission would be staffed by an executive director, who is appointed by the Council; investigators and other City employees or contractors, who are independent of the Police Department and the Mayor; and legal counsel, independent of the City Attorney.

If approved by the voters, the new Commission would be required to independently investigate all deaths occurring while a person is in the Police Department's custody, all deaths resulting from interaction with a City police officer, and all City police officer-related shootings. The Commission may also investigate allegations against officers of inappropriate sexual conduct, physical assault, and domestic violence. The Charter amendments grant the Commission subpoena power to obtain witness testimony and documents, enforceable through contempt proceedings under state law.

The Commission would also be required to receive, register, review, and evaluate all complaints against City police officers. The Commission may investigate complaints, unless the complainant has requested that a complaint be handled without investigation or where no specific allegation or police officer can be identified. The Commission would be required to review the Police Department's compliance with reporting laws.

## **BALLOT SUMMARY (CONTINUED)**

The Commission would have authority to review and advise on Police Department investigations, policies, and imposition of discipline, but the City's Police Chief retains authority to impose discipline of subordinate officers, as the Charter presently provides.

The Commission would be required to make public reports of its activities.

The Commission must act in accordance with applicable federal and state laws. Police officers may appeal a sustained finding of police misconduct by the Commission to the City's Civil Service Commission.

The Council authorized placement of this measure on the ballot after receiving the proposal from a community-based organization called "Women Occupy San Diego" and holding multiple public hearings.

This measure requires approval by a majority of the qualified voters of the City of San Diego voting on the measure. If approved, the Charter amendments would become effective after they are chaptered by the California Secretary of State.

## **CITY ATTORNEY IMPARTIAL ANALYSIS**

This measure amends the San Diego City Charter (Charter) to change civilian oversight of the City Police Department (Department) and its officers.

Under existing law, the Mayor and City Council (Council) have established the Community Review Board on Police Practices (CRB), which reviews and evaluates citizens' complaints against City police officers and the Department's administration of discipline arising from complaints. The CRB may independently refer an investigation to the grand jury, district attorney, or any other governmental agency authorized by law to investigate the activities of a law enforcement agency. The CRB is also required to review all deaths occurring while a person is in City police custody and all police officer-related shootings, but the CRB does not independently investigate these incidents.

If approved by voters, this measure would dissolve the CRB and replace it with a Commission on Police Practices (Commission). The Commission would serve as an investigatory body of the City, operating independent of the Police Department and Mayor. Commission staff would include an executive director, appointed by the Council, to serve at the direction and will of the Commission. The Commission must retain its own legal counsel, independent of the City Attorney. Commission staff must be employed in accordance with the City's civil service rules and annual salary ordinance, and must follow City rules related to contracts and records retention, confidentiality, and disclosure.

The Commission would have the power to subpoena witnesses and documents, enforceable through contempt proceedings under state law, and would retain the authority to refer cases to outside law enforcement agencies.

The Commission would initially be composed of members of the CRB. The Council would formally appoint Commission members after establishing, by ordinance, the number, term length, qualifications, and method for appointments, and defining the circumstances and process under which Commission members may be removed for cause.

The Commission would be required to investigate all deaths occurring while a person is in Department custody, all deaths resulting from interaction with a City police officer, and all City officer-related shootings. Investigations must be conducted in accordance with rights afforded to police officers under federal and state law.

The Commission must also receive and review all complaints against City police officers except in specified circumstances.

## CITY ATTORNEY IMPARTIAL ANALYSIS (CONTINUED)

The Commission would have authority to investigate complaints against officers but must first consider specified factors. Also, the Commission may, but would not be required to, review, evaluate, and investigate allegations of inappropriate sexual conduct, physical assault, or domestic violence by officers.

The Commission may make recommendations to the Police Chief on policies and discipline, but the Police Chief would retain existing authority under the Charter, including the authority to determine discipline of subordinate officers.

The Commission also must review and evaluate the Police Department's compliance with reporting laws and make public semi-annual reports regarding the Commission's exercise of its duties and powers.

The measure also authorizes the City's Civil Service Commission to determine appeals by City police officers, following any sustained findings of police officer misconduct by the Commission.

### FISCAL IMPACT ANALYSIS

This measure would dissolve the Community Review Board on Police Practices (CRB) and, in its place, would establish an independent Commission on Police Practices (Commission). The Commission, constituting an investigatory body of the City, would be comprised of community members appointed by the City Council, with subpoena powers, independent legal counsel, and City staff outside of San Diego Police Department (SDPD) and Mayoral supervision.

If approved, the Commission will have certain duties that are required and others that are discretionary. The Commission will be required to independently investigate: (1) all deaths occurring while a person is in the custody of SDPD; (2) all deaths resulting from interaction with an SDPD officer; and (3) all police officer-involved shootings. Based on data provided by SDPD for the historical number of SDPD officer-related deaths and shooting events over the last ten years, this requirement could comprise of up to fifteen investigations per year.

Additionally, the Commission must receive, register, review and evaluate all citizen complaints, except those where the complainant does not request an investigation or where no specific allegation or SDPD officer is identified. At the Commission's discretion, it will have the authority to independently investigate any or all of the complaints that it is required to receive, register, review, and evaluate. According to data provided by SDPD, over the last ten years, on average 126 complaints have been received per year that would have been eligible for the Commission to investigate; it is unknown how many complaints the Commission may choose to investigate.

Other duties include the requirement to evaluate of SDPD compliance with federal, state, and local reporting laws and requirements and the submission of semi-annual reports to the Mayor and City Council regarding the exercise of the Commission's duties and powers. The Commission may also review, evaluate and make recommendations on any policies, procedures, practices, and actions of SDPD.

In addition to what is described above, the Commission has other duties and powers included in the ballot proposal, which may be further specified by City Council Ordinance, should this measure be approved by voters.

If approved, a sufficient and appropriate budget for the Commission is expected to be funded from the City's General Fund in an amount to be approved annually by the City Council. **It is estimated that the necessary staffing and budget for the Commission could reasonably range between at least seven (7) Full Time Equivalent (FTE) positions and \$1.2 million annually and up to sixteen (16) FTEs and \$2.6 million annually in order to allow it to effectively carry out its duties and powers proposed under the ballot measure.** The range is primarily due to the Commission's discretionary authority to

## FISCAL IMPACT ANALYSIS (CONTINUED)

determine the level of citizen complaints it chooses to investigate. **Current annual funding from the General Fund for the CRB, budgeted at approximately \$247,000 for Fiscal Year 2021, would no longer be required. Potential fiscal impacts to the SDPD budget, if any, are unknown.**

### ARGUMENT IN FAVOR OF MEASURE B

**The City of San Diego does not have an independent process for investigating complaints regarding police misconduct** (such as in-custody deaths, shootings, excessive force, and perjury). This has contributed to trust in local policing reaching an all-time low. Measure B will fix this issue by creating an independent, community-led **Commission on Police Practices**.

The Commission on Police Practices will create a **trustworthy process for holding officers accountable** that is **fair and balanced**. This Commission will:

- Be **independent from City politics**;
- Have an **independent attorney** who doesn't also represent the Mayor and the San Diego Police Department;
- Be run by **community members**, and;
- Have **independent professionals** who will **investigate** claims of **police misconduct**, including complaints of **domestic violence and sexual assault** by law enforcement.

As professionals, police officers should be subject to independent oversight and accountability, as doctors, lawyers, dentists, and other professionals are held to this standard. The independent oversight brought by the new Commission will strengthen community trust and has the potential to **reduce** the millions of dollars each year that The City of San Diego pays for **lawsuits from police misconduct**.

[www.sandiegansforjustice.com](http://www.sandiegansforjustice.com)

### VOTE YES ON MEASURE B

MONICA MONTGOMERY  
Councilmember  
San Diego City Council, District 4

ANDREA ST. JULIAN  
Board President  
Earl B. Gilliam Bar Association

MARESA TALBERT  
Co-Chair  
San Diegans for Justice

KATE YAVENDITTI  
Women Occupy San Diego

**NO ARGUMENT AGAINST MEASURE B WAS FILED IN THE OFFICE OF THE CITY CLERK.**

**FULL TEXT OF MEASURE B**  
**ARTICLE V**  
**EXECUTIVE AND ADMINISTRATIVE SERVICE**

**Section 40: City Attorney**

A City Attorney shall be elected for a term of four years in the manner prescribed by Section 10 of this Charter. The City Attorney shall hold office for the term prescribed from and after 10 a.m. on the tenth day of December next succeeding the election and until a successor is elected and qualified. If the tenth day of December falls on a weekend or holiday, the term shall begin at 10 a.m. on the next calendar day that is not a weekend or a holiday.

No person shall serve more than two consecutive four-year terms as City Attorney. If for any reason a person serves a partial term as City Attorney in excess of two years, that partial term shall be considered a full term for purposes of this term limit provision.

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 and the Commission on Police Practices, which each 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 must be licensed to practice law in the State of California and must have been so licensed for at least ten years at the time he or she submits nominating petitions.

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 one year 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.

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

## FULL TEXT OF MEASURE B (CONTINUED)

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.

Effective December 10, 2020, the salary paid to the City Attorney will be equal to the salary prescribed by law and as adjusted by law for judges of the Superior Court for the State of California, provided that the salary of the City Attorney may not be decreased during a term of office.

Whenever a vacancy exists in the office of the City Attorney, an Assistant City Attorney, previously designated by the City Attorney to fulfill duties in the event of a vacancy and whose name has been recorded with the City Clerk as the Interim City Attorney in the event of a vacancy, shall fulfill the duties of the City Attorney as the Interim City Attorney until a replacement can be appointed or elected as provided by this Charter. The Interim City Attorney shall have the full authority of the Office.

### Section 41: Commissions

The Mayor shall appoint, subject to the confirmation of the Council, members of all commissions, established pursuant to this section-, except the members of the Commission on Police Practices, whose appointment and service are governed by Section 41.2 of this Charter. Whenever the Mayor does not appoint a member within forty-five (45) days after a vacancy occurs, the Council shall make such appointment. The commissioners shall be limited to two (2) full consecutive terms, with one (1) term intervening before they become eligible for reappointment; and this provision shall apply to anyone who has served two (2) full consecutive terms by January 1972. The terms of commissioners may extend beyond the elective term of the appointing Mayor. The Mayor shall fill, subject to the confirmation of the Council, any vacancy and such appointment shall be for the unexpired term of the office being filled. The City Council may remove a member of the Civil Service Commission for cause by vote of two-thirds (2/3) of the members of the Council. However, before the Council may remove a member of the Civil

## FULL TEXT OF MEASURE B (CONTINUED)

Service Commission, written charges shall be made against the commission member and an opportunity afforded for public hearing before the Council upon such charges. The City Council may remove members of all other commissions established pursuant to this section for cause by vote of a majority of the members of the Council.

- (a) Funds Commission. [No change in text.]
- (b) Civil Service Commission. [No change in text.]
- (c) City Planning Commission. [No change in text.]
- (d) Ethics Commission. [No change in text.]

### **Section 41.2: Commission on Police Practices**

A Commission on Police Practices is established, which supersedes the Community Review Board on Police Practices. The Commission on Police Practices is referred to in this section as the "Commission," the Police Department of the City of San Diego is referred to as the "Police Department," and an officer of the Police Department is referred to as an "officer" or "police officer."

The Commission is an investigatory body of the City of San Diego, independent of the Mayor and the Police Department.

The Commission has certain mandatory duties and discretionary powers, as described in this section. The City Council may, by ordinance, mandate additional duties and authorize additional powers for the Commission, consistent with this section and applicable federal and state law. The City Council may also establish rules and procedures to implement this section. Subject to any limitations set forth in governing federal or state law, the Commission is authorized to refer any matter before the Commission to the grand jury, district attorney, or other governmental agency that is authorized by law to investigate the activities of a law enforcement agency.

The City Council must appoint the members of the Commission. The City Council may remove members of the Commission for cause by a vote of a majority of the members of the City Council. The City Council must, by ordinance, establish the number, term length, qualifications, and method for appointing members of the Commission, and define the circumstances and process under which the City Council determines there is cause for removal of a member of the Commission.

The Commission will be composed of members of the Community Review Board on Police Practices serving at the time this section takes effect, until the City Council has formally appointed members to the Commission, in accordance with the ordinance described in this section.

The City Council must appoint and establish the initial annual compensation for the Commission's Executive Director, who serves at the direction and will of the Commission. The Commission must conduct the annual performance review of the Executive Director, and may modify the Executive Director's annual compensation, consistent with the compensation schedules established by the City Council in adopting the annual salary ordinance. The Executive Director serves as the appointing authority for additional employees assisting the Commission, who must be appointed and serve in accordance with this Charter. The Executive Director is authorized to employ outside experts or consultants to assist with the Commission's work on a contractual basis, consistent with the City's contracting rules. The Commission must retain its own legal counsel, who is independent of the City Attorney, for legal support and advice in carrying out the Commission's duties and actions.



## FULL TEXT OF MEASURE B (CONTINUED)

The Executive Director serves as custodian of the Commission's records and must comply with all applicable laws related to records retention, protection, confidentiality, and disclosure. The Police Department must make available its records, relating to any matter under investigation, review, or evaluation by the Commission, subject to the restrictions of applicable federal and state law.

The Commission has the power to conduct investigatory proceedings, subpoena witnesses and compel their attendance and testimony, administer oaths and affirmations, and require by subpoena the production of any books, papers, records, or other items material to the performance of the Commission's duties or exercise of its powers, subject to the restrictions of and in accordance with this section and applicable federal and state law. The Commission may enforce its administrative subpoenas by initiating contempt procedures, upon a majority vote of the Commission and in the manner provided by applicable state law.

The Commission must independently investigate all deaths occurring while a person is in the custody of the Police Department; all deaths resulting from interaction with an officer of the Police Department; and all City police officer-related shootings. The Commission has this duty whether or not a complaint has been made against a police officer or the Police Department. These investigations must be conducted by Commission staff or contractors who are independent of the Police Department, and in accordance with the officer's federal and state law rights.

The Commission may, but is not required to, investigate complaints against officers of the Police Department, which do not involve in-custody deaths, deaths resulting from an interaction with a police officer, or police officer-related shootings. However, the Commission must not investigate a complaint where the complainant has requested that the complaint be handled without investigation or where no specific allegation or police officer can be identified.

In determining whether to investigate a complaint that the Commission has the discretionary power, but not the mandatory duty, to investigate, the Commission must consider whether the complaint arises from any of the following: (1) an incident in which the use of force by a City police officer against a person resulted in great bodily injury; (2) dishonesty by a City police officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by another peace officer or custodial officer, including an allegation of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence; (3) an incident that has generated substantial public interest or concern; (4) an incident in which data shows a pattern of misconduct by any Police Department officer; or (5) an incident in which data shows a pattern of inappropriate policies, procedures, or practices of the Police Department or its members.

The Commission must receive, register, review, and evaluate all complaints against officers of the Police Department, except the Commission must not review or evaluate a complaint where the complainant has requested that the complaint be handled without investigation or where no specific allegation or police officer can be identified.

The Commission may, but is not required to, review, evaluate, and investigate allegations of inappropriate sexual conduct, physical assault, or domestic violence by officers of the Police Department, whether or not a written complaint has been submitted to the Commission or the Police Department.

The Commission must review and evaluate all factual findings and evidentiary conclusions of the Police Department arising from investigations of police misconduct and all disciplinary decisions proposed by the Chief of Police or designee following

## FULL TEXT OF MEASURE B (CONTINUED)

sustained findings of police misconduct, with the terms “police misconduct” and “police officer misconduct,” to be defined by the City Council by ordinance. The Commission may, but is not required to, review and evaluate the Police Department’s administration of discipline arising from sustained complaints, which do not involve allegations of police misconduct, and from matters investigated by the Commission. The Commission may, but is not required to, make recommendations to the Police Department on the discipline of individual officers against whom complaints have been made or about whom the Commission has conducted an investigation.

The Commission must review and evaluate the Police Department’s compliance with federal, state, and local reporting laws and requirements. The Commission must also prepare and submit semi-annual reports to the Mayor and City Council regarding the exercise of the Commission’s duties and powers. These reports must be public, but must not disclose any information required to be kept confidential by controlling federal or state law.

The Commission may, but is not required to, review and evaluate the policies, procedures, practices, and actions of the Police Department. The Commission may make specific recommendations to the Police Department, the Mayor, and the City Council on any policies, procedures, practices, and actions of the Police Department.

The Chief of Police must consider the Commission’s evaluation of proposed police officer discipline, prior to imposition of the discipline, to the extent permitted within applicable federal and state law, and only if the evaluation is completed before the statutory timelines, set forth in the California Public Safety Officers Procedural Bill of Rights or subsequent, applicable state laws, for the Police Department to act on the evaluation. The Chief of Police retains authority and discretion to discipline subordinate employees in the Police Department, in accordance with Section 57 of this Charter.

Any sustained findings of police officer misconduct by the Commission are subject to appeal, as required by California law. These sustained findings may be appealed to the City’s Civil Service Commission.

### **Section 43: Advisory Boards and Committees**

(a) through (c) [No change in text.]

~~(d) Community Review Board on Police Practices. Notwithstanding any other provision of this Charter, the Mayor and City Council shall have the exclusive authority to create and establish a community review board on police practices to review and evaluate citizens’ complaints against members of the San Diego Police Department and the San Diego Police Department’s administration of discipline arising from such complaints. The Mayor and City Council shall establish such rules and regulations as may be necessary for this board to carry out its functions; provided, however, that such rules and regulations shall be consistent with the laws of the State of California concerning citizens’ complaints against peace officers. Nothing in such rules and regulations shall interfere with the board’s authority to independently refer a completed citizen complaint investigation to the grand jury, district attorney, or any other governmental agency authorized by law to investigate the activities of a law enforcement agency. The board shall review all deaths occurring while a person is in the custody of the San Diego Police Department and all police officer-related shootings. The board shall submit semiannual reports to the Mayor and City Council concerning its evaluation of the San Diego Police Department’s investigation of citizens’ complaints; provided, however, that such reports shall not disclose any information required to be kept confidential by law.~~

# FULL TEXT OF MEASURE B (CONTINUED)

## ARTICLE VIII CIVIL SERVICE

### Section 115: Civil Service Commission

This Commission shall have supervision over the selection, promotion, and removal of all employees of the City, subject to the Civil Service provisions of this Charter. This Commission shall also conduct and determine appeals of sustained findings of police officer misconduct by the Commission on Police Practices, established by this Charter, as required by California law.

**END OF MEASURE**

# SAN DIEGO UNIFIED SCHOOL DISTRICT

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

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## MEASURE C.

### **CHARTER AMENDMENT: DISTRICT-ONLY ELECTIONS FOR SCHOOL BOARD MEMBERS.**

Shall the Charter be amended to change the process for electing School Board members in the San Diego Unified School District, by providing that voters in individual sub-districts nominate and elect their representative in both the primary and general elections, rather than the current system in which candidates are nominated in individual sub-districts in the primary but advance to a general election in the entire School District?

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This measure requires approval of a simple majority (50% plus 1) of those voting on the measure.  
Full text of this measure follows the arguments.

## OFFICIAL TITLE AND SUMMARY

### BALLOT TITLE

Amendments to San Diego City Charter Section 66 to Establish District-Only Elections for Members of the Board of Education of the San Diego Unified School District

### BALLOT SUMMARY

This measure would amend the San Diego City Charter (Charter) to establish district-only elections in both the primary and general elections for members of the Board of Education of the San Diego Unified School District (School Board). Charter section 66 provides the procedures for School Board elections in the San Diego Unified School District (School District), as allowed by the California Constitution.

The School District is divided into five sub-districts, each with its own representative on the School Board. Charter section 66 currently provides that School Board members are nominated in primary elections held in the individual sub-districts they seek to represent. The top two vote-getters nominated by the voters in an individual sub-district then advance to a general election held in the entire School District.

If adopted, this ballot measure will amend the Charter to provide that only the voters in an individual sub-district of the School Board may vote in both the primary and general elections to nominate and elect the School Board member who will represent their district.

In compliance with the California Constitution and California Elections Code, this ballot measure related to the procedures for School District elections has been submitted only to those voters who are registered to vote within School District boundaries.

The ballot measure was proposed during a process in which members of the public submitted ballot measure proposals for consideration by a Council standing committee and then the full Council. The Council voted to place the measure on the ballot. If approved, the Charter would be amended as of the date the California Secretary of State officially chapters the amendments.

Voters may note that Charter section 66 is the subject of a separate Charter amendment measure on the November 3, 2020 ballot that would establish procedures for filling vacancies on the School Board (along with amendments to other Charter sections). The amendments to Charter section 66 that are proposed in the two measures are not in conflict; each involves separate subjects requiring separate approval. The amendments in both measures are identical in part. If both measures are approved by the voters, the City of San Diego intends for both sets of amendments to Charter section 66 to take effect and to be submitted for chaptering by the California Secretary of State.

## CITY ATTORNEY IMPARTIAL ANALYSIS

The California Constitution authorizes charter cities that include school districts to provide for “the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation and removal, and for the number which shall constitute any one of such boards.” Cal. Const. art. IX, § 16(a). This is the limit of a charter city’s authority over a school board.

San Diego City Charter (Charter) section 66 governs the composition and elections of the Board of Education of the San Diego Unified School District (School Board).

The Charter directs that the five members of the School Board are nominated in elections held in their individual sub-districts, with the top two vote-getters in the primary election in a given sub-district advancing to a general election by voters in the entire School District. This is known as a district-only primary and an at-large general election.

If approved, this ballot measure would amend the Charter to change the process in the general election. The amendments would provide that all School Board elections would be held in the individual sub-districts that a candidate seeks to represent, whether it is the primary or the general election. After the Charter is amended, candidates nominated in a primary election in their individual sub-district would advance to a run-off general election that is also held in the individual sub-district they seek to represent.

If approved, the Charter amendments will provide a district-only process for electing School Board members that is the same as the process used to elect City Councilmembers. Councilmembers are elected by voters in the districts they seek to represent, and not in citywide elections. Voters amended the Charter at the November 8, 1988 election to enact the “district-only” election system for the City Council.

The Charter amendments proposed in this measure also include minor changes for consistency with other Charter provisions, such as amendments to the titles of specific City elections.

To comply with the California Constitution and the California Education Code, this ballot measure related to the School District has been submitted only to those voters who are registered to vote within School District boundaries. To be adopted, the measure requires a majority vote of those voting on the measure.

A citizens’ organization called Parents for Quality Education proposed Charter amendments to establish district-only elections for School Board members in both the primary and general elections, as part of a process in which the City Council asks the public to submit ballot proposals. A City Council subcommittee heard the proposal at two hearings, and forwarded the proposal to the full City Council, which voted to place the measure on the ballot.

If approved, the Charter would be amended as of the date amendments are chaptered by the California Secretary of State. Based on the Secretary of State’s usual timelines to chapter Charter amendments, the amendments would be in effect for the next regularly scheduled School Board elections in 2022.

## FISCAL IMPACT ANALYSIS

This measure would amend the San Diego City Charter (Charter) to establish a district-only elections process to elect members of the Board of Education (School Board) of the San Diego Unified School District (School District). The Charter currently provides that School Board members are nominated in primary elections in their individual sub-districts but advance to a general election held in the entire School District. This ballot measure would amend Charter section 66 to provide district-only elections in both the primary and general elections for School Board members.

**If approved, this measure would result in a relatively small reduction in election costs for the School District.**

# ARGUMENT IN FAVOR OF MEASURE C

## BRING LOCAL REPRESENTATION TO SDUSD ELECTIONS

### ENSURES THE COMMUNITY'S CHOICE IS ELECTED

At-large elections weaken the representation of small groups that don't have a citywide base. Candidates are nominated by district, but **elect** citywide, denying communities the right to choose their own representative. The California Voting Rights Act (CVRA) of 2001 allows groups that are geographically dispersed to elect their candidate of choice from single member districts. The current system **drowns out the voices** of those who live in each district, allowing special interests to elect their preferred candidate.

### LEVEL THE PLAYING FIELD FOR LOCAL CANDIDATES

The current city-wide SDUSD elections process was adopted in 1931, when San Diego had 125,000 residents. Candidates are still expected to reach the current population of 1.4 million residents versus focusing only on the district they will represent. By reducing the time candidates spend on fundraising to remain competitive in city-wide races, candidates can focus on delivering solutions to parents, students and their communities.

### BRING SDUSD IN COMPLIANCE WITH STATE LAW

In May 2017, the San Diego County Grand Jury found that the current election process **does not** result in a board reflecting the diversity of the district. However, they found that district-only elections assure voters of each district fairer representation on the school board. The SDUSD is **the only** governing body that elects their representatives under the current system in San Diego. The School Board must change from at-large elections to district elections to avoid future lawsuits.

### WHO OPPOSES DISTRICT ELECTIONS?

Special interest groups oppose district elections because it threatens their influence over the selection of board members. According to the National League of Cities, at-large elections weaken the representation of people of color. That's why incumbent school board members continue to win elections without opposition.

## VOTE YES ON MEASURE C

CHRIS CATE  
Councilmember  
City of San Diego, District Six

ELLEN NASH  
Chair  
BAPAC San Diego

MONICA MONTGOMERY  
Councilmember  
City of San Diego, District Four

WENDELL BASS  
Retired Principal

TOM KELIINOI  
President  
Parents for Quality Education

## ARGUMENT AGAINST MEASURE C

Measure C is a very bad idea.

Classroom Teachers, Taxpayer Advocates, Civil Rights Champions and Parent Leaders Oppose Measure C.

Measure C is deceptive. Don't be fooled. It does NOT increase community participation. In fact, it does just the opposite.

Don't give up your right to vote.

Presently, every voter in the entire school district votes for all 5 members of the School Board who make the critical decisions affecting every San Diego school.

If Measure C passes, you will only be able to vote for 1 school board member, not 5. The other 4 will be elected by voters from other communities. You will have absolutely no say in choosing 80% of the school board.

Board members from other communities will be able decide what happens to your neighborhood school. They could move teachers, nurses and counselors in or out, or close schools – even over the objections of the board member representing your area.

The present system balances community needs and larger concerns, ensuring every board member cares about all the kids in every neighborhood in San Diego Unified.

Measure C will open the door for Chicago-style Ward Politics and corruption.

Measure C creates 5 small “wards” or Districts that can be dominated by big money special interests. Outside corporations and shady operators with designs on the District's \$1.2 billion budget will be able to elect board members who are beholden to them. In fact, the special interests who want to privatize public education are behind Measure C.

Measure C will hurt low-income kids.

Measure C will cram low-income neighborhoods into one or two “wards” or Districts. Vote rich areas will be able to elect a board majority and dominate school funding and other educational decisions.

Measure C is a very bad idea. Vote NO on Measure C.

SCOTT BARNETT

President, San Diego Taxpayers Advocate,  
Former Executive Director,  
San Diego Taxpayers Association

AMY DENHART

Elected Parent Leader  
San Diego High School

DR. KYRA GREENE

Policy Advocate for Working Families

TAMMY REINA

San Diego County Teacher of the Year

FRANK JORDAN

Past President,  
San Diego and California NAACP



# FULL TEXT OF MEASURE C

## ARTICLE VI

### BOARD OF EDUCATION

#### SECTION 66: BOARD OF EDUCATION

The government of the San Diego Unified School District shall be vested in a Board of Education, composed of five members who shall be nominated and elected by the registered voters of the individual Board of Education District for which they are a candidate. Board of Education elections will be held at the regular Municipal Primary Elections and the Municipal General municipal Elections, at the same time as the election of Councilmembers. At the ~~Municipal Primary Election,~~ there shall be chosen by the registered voters of each an individual Board of Education District shall nominate two candidates to fill the office of their for the office of any Board of Education member from in a District whose term expires the succeeding following December. The top two vote-getters in the Municipal Primary Election for an individual seat will advance to the Municipal General Election. At the ~~general Municipal General Election,~~ the registered voters of the individual Board of Education District whole San Diego Unified School District shall select one of the nominees to fill the seat from among the candidates chosen at the primary election in each district one candidate for the office of each Board of Education member whose term expires the succeeding December. Each candidate for the Board of Education shall have been a registered voter of the San Diego Unified School District and an actual resident of the election district from which the candidate seeks to be nominated for thirty (30) days immediately preceding the filing of a nomination petition. The members shall serve for a term of four years from and after 10 a.m. the first Monday after the first day of December next succeeding this election and until their successors are elected and qualified, except as herein provided.

Notwithstanding any other provision of this Charter, and commencing in 2020, no person shall serve more than three four-year terms as a member of the Board of Education. Board members who hold the office as of the date of the Municipal General Election in 2020 shall not have prior or current terms counted for purposes of applying this term limit provision.

Any vacancy occurring in on the Board shall be filled from the election district in which the vacancy occurs, by appointment by the remaining Board members; but in the event that the said remaining members fail to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, they must immediately cause to be held a primary election in the district in which the vacancy occurs and a general election within the entire school district as set forth in this section to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

For the purpose of electing members of the Board of Education, the San Diego Unified School District shall be divided into five (5) districts as nearly equal in registered voter population as practicable. For the first primary and regular election held under this section, as amended, the boundaries of such election districts shall be established by the Board of Education as such Board existed on the effective date of the amendment to this section. Thereafter, the boundaries of such election districts shall be subject to alteration and change under the provisions of this section. The Board of Education, by resolution, may change and alter the boundaries of the election districts and in the resolution may describe the new boundaries by reference to a map on file in the office of the City Clerk; a metes and bounds description of the new boundaries need not be contained in the said resolution.

END OF MEASURE

# SAN DIEGO UNIFIED SCHOOL DISTRICT

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

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## MEASURE D.

**CHARTER AMENDMENT: PROCEDURES TO REMOVE SCHOOL BOARD MEMBERS FOR CAUSE AND TO FILL VACANCIES.** Shall the City Charter be amended to include the office of School Board member from the San Diego Unified School District under City laws that address removal of elected officials for cause, filling vacancies in elected office, and succession to office?

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This measure requires approval of a simple majority (50% plus 1) of those voting on the measure.  
Full text of this measure follows the argument.

### OFFICIAL TITLE AND SUMMARY

#### BALLOT TITLE

Charter Amendments to Provide Procedures for Filling Vacancies, Removal for Cause, and Succession to Office for Members of the San Diego Unified School District Board of Education

#### BALLOT SUMMARY

This measure would amend the San Diego City Charter (Charter) to bring members of the Board of Education of the San Diego Unified School District (School Board) under City laws that provide procedures to remove elected officials for cause, to fill vacancies, and to govern succession to the office.

The Charter currently includes similar vacancy, removal, and succession laws for the City's elective offices of Mayor, City Attorney, and member of the City Council (Council). The California Constitution allows Charter cities like San Diego to include such provisions affecting School Board members in a city's charter.

Amendments to Charter section 66 (Board of Education) would provide references to how School Board seats will be filled after a vacancy, refer to other laws to be added by this measure, and make minor clarifying edits to the section.

Amendments to Charter section 300 (Vacancy in Elective Office), section 301 (Removal for Cause), and section 302 (Succession to Elective Office) add the office of School Board member to existing laws, with certain modifications to conform to procedures of the San Diego Unified School District (School District).

To be approved, the measure requires the affirmative vote of a majority of those qualified electors voting on the measure and registered to vote within the geographic boundaries of the School District.

The measure was proposed by Councilmember Chris Cate and Councilmember Vivian Moreno during a process in which Councilmembers submitted ballot measure proposals for consideration by a Council standing committee and then the full Council. The measure was considered in multiple hearings before the Council voted to place the measure on the ballot. If approved, the Charter would be amended after the amendments are chaptered by the California Secretary of State.

Voters may note that Charter section 66 is the subject of a separate Charter amendment measure on the November 3, 2020, ballot that would establish district-only elections for the School Board. The amendments to Charter section 66 that are proposed in the two measures are not in conflict; each involves separate subjects requiring separate approval. The amendments in both measures are identical

## BALLOT SUMMARY (CONTINUED)

in part. If both measures are approved by the voters, the City of San Diego intends for both sets of amendments to Charter section 66 to take effect and to be submitted for chaptering by the California Secretary of State.

### CITY ATTORNEY IMPARTIAL ANALYSIS

The California Constitution authorizes charter cities that include school districts to provide for “the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation and removal, and for the number which shall constitute any one of such boards.” Cal. Const. art. IX, § 16(a). This is the limit of a charter city’s authority over a school board.

This ballot measure would amend the San Diego City Charter (Charter) to add procedures related to the elected members of the Board of Education (School Board) of the San Diego Unified School District (School District). If approved, amendments would bring School Board members under existing City laws providing procedures to remove elected officials for cause, fill vacancies in their seats, and govern succession to the office.

Four Charter sections would be amended:

- Section 66 (Board of Education) governs the composition and elections of the School Board. Amendments refer to the proposed new laws in the measure, stating that they address when a vacancy in the office of School Board member is deemed to occur, and when a School Board member shall be removed for cause. Amendments state that vacancies shall be filled as provided in the section, which includes election procedures. Amendments also include minor edits for consistency with other Charter sections.
- Section 300 (Vacancy in Elective Office) provides procedures when a vacancy occurs in the office for reasons including death, residency issues, incapacity, removal, certain convictions, or resignation. A School Board member is no longer eligible to serve if the member ceases to be a resident and elector of the subdistrict the member was elected to represent. A member’s resignation would be effective on the date specified in a resignation letter, or, if there is no date, upon the date the letter is received by the School District’s Board Action Officer.
- Section 301 (Removal for Cause) provides procedures to remove a School Board member for cause for dereliction of duty or malfeasance in office. Dereliction of duty means an adjudication that the School Board member failed, refused, or neglected to perform the duties of the office, except when prevented by illness, injury, or other reasonable cause. Malfeasance in office means the School Board member was convicted for crimes of moral turpitude or crimes involving a violation of official duties. If at least three-fourths of the School Board members vote that cause exists to remove the member, the School Board would cause a special election to be held. Voters would be asked to decide whether to remove and replace the School Board member.
- Section 302 (Succession to Elective Office) refers to Charter procedures that would apply for a new School Board member to succeed to the office.

This measure related to the School District has been submitted to voters registered to vote within School District boundaries, as required by the California Constitution. If approved, amendments would take effect after they are chaptered by the California Secretary of State.

## **FISCAL IMPACT ANALYSIS**

This measure would amend San Diego City Charter (Charter) sections 300, 301, and 302 to add the elective office of member of the Board of Education (School Board) of the San Diego Unified School District (School District) to City laws that provide procedures for the elective officer's removal for cause, filling a vacancy in the seat, and addressing succession in office. The measure would also amend Charter section 66, Board of Education, to address filling a vacancy on the School Board.

**There is no fiscal impact associated with these Charter amendments.**

## ARGUMENT IN FAVOR OF MEASURE D

### THERE IS NO WAY TO REMOVE A SCHOOL BOARD MEMBER CONVICTED OF A CRIME

In 2019, four of the five board members of the San Diego Unified School District called for the resignation of one of their own members following allegations from four individuals in politics that he sexually harassed or assaulted them.

But even if a school board member were convicted of a crime, there is no way for the school board to remove them.

#### **Measure D changes this process.**

In 2016, voters overwhelmingly approved Measure E, a process for how the Mayor, City Attorney, and City Councilmembers can be removed from office. However, San Diego Unified School Board Members were inadvertently left out.

Previously, the City Charter only allowed for the removal of elected officials by resignation or recall. The recall process is extremely costly and time consuming.

Measure E set up a process to remove elected officials who are convicted of felonies and other serious crimes, those who become physically or mentally incapacitated, and/or those who are derelict in their official duties.

The changes incorporated best practices used by other major cities regarding the removal of elected officials from office.

#### **Measure D would apply this same process to school board members.**

### WE NEED TO ACT NOW, BEFORE THE NEXT SCANDAL

Our City Charter should protect voters from politicians who abuse their office by committing crimes.

We need to have a process set up before these scandals occur, so we can respond quickly.

#### **School board members shouldn't hold public office if they are convicted of serious crimes.**

### MEASURE D PROTECTS THE PUBLIC FROM POLITICIANS WHO ARE CONVICTED OF CRIMES BUT REFUSE TO DO THE RIGHT THING AND RESIGN.

VOTE YES ON MEASURE D

CHRIS CATE  
Councilmember

VIVIAN MORENO  
Councilmember

RICARDO DANIEL CASTILLO  
Retired City Heights Teacher  
Retired Navy

FRANCINE MAXWELL  
President, NAACP San Diego Branch

NO ARGUMENT AGAINST MEASURE D WAS FILED IN THE OFFICE OF THE CITY CLERK.

# FULL TEXT OF MEASURE D

*Note for voter pamphlet:*

Section 66 of the City Charter is also the subject of a separate Charter amendment ballot measure on the November 3, 2020 ballot that would establish district-only elections for the Board of Education. The amendments proposed in the two Charter amendment measures are not in conflict and involve separate subjects requiring separate approval.

If both measures are approved by the voters, the City of San Diego intends for both sets of amendments to take effect and to be submitted for chaptering by the California Secretary of State. This ballot measure adds two new paragraphs to the section about vacancies in office, which are unrelated to the district-only elections subject of the other pending measure and do not conflict with its provisions. The amendments to the last two paragraphs of Charter section 66 in this measure are identical to the amendments in the other measure. The additional amendments in the separate measure, regarding the elections process, do not conflict with the proposed amendments below.

## ARTICLE VI

### BOARD OF EDUCATION

#### SECTION 66: BOARD OF EDUCATION

The government of the San Diego Unified School District shall be vested in a Board of Education, composed of five members who shall be nominated and elected at the regular municipal primary elections and general municipal elections at the same time as the election of Councilmembers. At the municipal primary election there shall be chosen by the registered voters of each Board of Education District two candidates for the office of any Board of Education member from a District whose term expires the succeeding December. At the general municipal election the registered voters of the whole San Diego Unified School District shall select from among the candidates chosen at the primary election in each district one candidate for the office of each Board of Education member whose term expires the succeeding December. Each candidate for the Board of Education shall have been a registered voter of the San Diego Unified School District and an actual resident of the election district from which the candidate seeks to be nominated for thirty (30) days immediately preceding filing of a nomination petition. The members shall serve for a term of four years from and after 10 a.m. the first Monday after the first day of December next succeeding this election and until their successors are elected and qualified, except as herein provided.

Notwithstanding any other provision of this Charter, and commencing in 2020, no person shall serve more than three four-year terms as a member of the Board of Education. Board members who hold the office as of the date of the Municipal General Election in 2020 shall not have prior or current terms counted for purposes of applying this term limit provision.

Article XVI of this Charter shall govern: (1) when a vacancy in the office of member of the Board of Education shall be deemed to occur, and (2) when a member of the Board of Education shall be removed for cause.

Vacancies for the office of member of the Board of Education shall be filled as provided in this Charter section.

Any vacancy occurring in on the Board shall be filled from the election district in which the vacancy occurs, by appointment by the remaining Board members; but in the event that the said remaining members fail to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, they must immediately cause to be held a primary election in the district in which the vacancy occurs and a general election within the entire school district as set forth in this section to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the

## FULL TEXT OF MEASURE D (CONTINUED)

next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

For the purpose of electing members of the Board of Education, the San Diego Unified School District shall be divided into five (5) districts as nearly equal in registered voter population as practicable. For the first primary and regular election held under this section, as amended, the boundaries of such election districts shall be established by the Board of Education as such Board existed on the effective date of the amendment to this section. Thereafter, the boundaries of such election districts shall be subject to alteration and change under the provisions of this section. The Board of Education, by resolution, may change and alter the boundaries of the election districts and in the resolution may describe the new boundaries by reference to a map on file in the office of the City Clerk; a metes and bounds description of the new boundaries need not be contained in the said resolution.

### ARTICLE XVI

#### ELECTIVE OFFICERS

##### SECTION 300: VACANCY IN ELECTED OFFICE

For purposes of this section, elective office includes the offices of Mayor, Councilmember, City Attorney, and members of the Board of Education of the San Diego Unified School District. A vacancy in elective office occurs when any of the following events occur during the term:

- (a) The death of the elective officer.
- (b) ~~An elective officer~~ For the Mayor or City Attorney, the elective official ceases to be a resident and elector of the City ~~or a Councilmember moves from the district that the Councilmember was elected to represent. Redistricting shall not cause a vacancy in the office of a Councilmember.~~
- (c) For a Councilmember, the Councilmember moves from the district that the Councilmember was elected to represent. Redistricting shall not cause a vacancy in the office of a Councilmember.
- (d) For a member of the Board of Education of the San Diego Unified School District, the Board member ceases to be a resident and elector of the sub-district within the school district that the member was elected to represent. Redistricting shall not cause a vacancy in the office of a member of the Board of Education.
- (ee) An adjudication by a court of competent jurisdiction declaring that the elective officer is physically or mentally incapacitated due to disease, illness, or accident, and that there is reasonable cause to believe that the elective officer will not be able to perform the duties of his or her office for the remainder of his or her term.
- (ef) The resignation of an elective officer, effective on the date specified in the written letter of resignation or, if there is no date specified in the letter, upon the date of receipt of the letter by the City Clerk, in the case of the Mayor, City Attorney, or a Councilmember, or, upon the date of receipt of the letter by the Board Action Officer of the San Diego Unified School District, in the case of a member of the Board of Education.
- (eg) For a Councilmember only, unexcused absences from eight consecutive meetings or fifty percent of any scheduled meetings as provided by section 12 of this Charter.

## FULL TEXT OF MEASURE D (CONTINUED)

- (fh) An elective officer's conduct requiring forfeiture of office, upon conviction or finding of civil liability by a court of competent jurisdiction, as provided by this Charter. An elective officer shall be deemed to have been convicted or found liable when trial court judgment is entered. For purposes of this section, "trial court judgment" means a judgment by the trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict, or finding.
- (gi) An elective officer's conviction of a felony. An elective officer shall be deemed to have been convicted when trial court judgment is entered. For purposes of this section, "trial court judgment" means a judgment by the trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict, or finding.
- (hj) The elective officer's removal from office. An elective officer may be removed only by recall or removal proceedings as provided by this Charter.

### SECTION 301: REMOVAL FOR CAUSE

- (a) ~~Any elective officer—The Mayor, City Attorney, Councilmembers, and members of the Board of Education of the San Diego Unified School District are~~ subject to removal for cause for dereliction of duty or malfeasance in office as provided in this section.
  - (1) Dereliction of duty means an adjudication that the elective officer has failed, refused, or neglected to perform the duties of the office, except when prevented by illness, injury, or other reasonable cause.
  - (2) Malfeasance in office means a conviction for crimes of moral turpitude or crimes involving a violation of official duties.
- (b) Upon an elective officer's criminal conviction or a court's adjudication of dereliction of duty, the City Clerk shall provide notice of the conviction or adjudication to the Council and the subject elective officer, if the elective officer at issue is the Mayor, City Attorney, or a Councilmember. If the elective officer at issue is a member of the Board of Education, the Board Action Officer of the San Diego Unified School District shall provide notice of the conviction or adjudication to the Board of Education and the subject member.
  - (1) An elective officer shall be deemed to have been convicted when trial court judgment is entered. For purposes of this section, "trial court judgment" means a judgment by the trial court either sentencing the elective officer or otherwise upholding and implementing the plea, verdict, or finding.
  - (2) A court of competent jurisdiction's order of enforcement for failure to obey a writ of mandamus constitutes an adjudication of dereliction of duty.
- (c) Upon notification from the City Clerk of a criminal conviction of or adjudication of dereliction of duty by, the Mayor, City Attorney, or member of the Council, the Council may proceed to vote on calling a special municipal election as provided by subsection (d). Upon notification from the Board Action Officer of the San Diego Unified School District of a criminal conviction of or adjudication of dereliction of duty by, a member of the Board of Education, the San Diego Unified School District shall follow the procedures in subsection (e).
- (d) Upon an affirmative vote of no less than three-fourths of the Council (currently seven of nine Councilmembers) that cause exists for removal of the Mayor, City Attorney, or



## FULL TEXT OF MEASURE D (CONTINUED)

a Councilmember, the Council shall call a special election in compliance with the City's election laws for the purpose of submitting to the voters a proposition measure to remove and replace the elective officer. By ordinance, the Council shall provide a complete procedure for special elections to remove and replace elective officers by a majority of voters, which may include reasonable limitations on calling special elections within 180 days of a scheduled municipal or statewide election where the subject elective officer is a candidate for his or her current elective office. If there is a municipal or statewide election scheduled to be held within 180 days, the Council may consolidate the special election with that election.

- (de) Upon an affirmative vote of no less than three-fourths of the members of the Board of Education of the San Diego Unified School District that cause exists for removal of a Board member, the Board shall cause a special election to be held to submit to voters a measure to remove and replace the Board member by a majority vote, using the procedures set for Board member elections in Charter section 66. The election shall be held within 180 days of the vacancy. If the Board member's removal occurs within 180 days of a scheduled municipal or statewide election, the Board may consolidate the special election with that election.
- (ef) Nothing in this section shall be construed to interfere with the power of the people to initiate a recall of an elective officer, as provided in this Charter and the California Constitution. Removal proceedings under this section shall be suspended any time a recall petition is found to be sufficient as defined by the City's election laws.

### SECTION 302: SUCCESSION TO ELECTIVE OFFICE

- (a) If a vacancy in the office of ~~an elective officer~~ Mayor, City Attorney, or a Councilmember occurs by reason of a successful recall or removal election, the Council shall adopt procedures to fill the vacancy. A vacancy in the office of member of the Board of Education of the San Diego Unified School District shall be filled as provided in Charter section 66. The School Board may adopt additional procedures for the conduct of the election that are consistent with this Charter, as may be necessary.
- (b) If a vacancy occurs in the office of ~~an elective officer~~ Mayor, City Attorney, or a Councilmember for any reason other than a successful recall or removal election, the following procedures shall apply:
- (1) If the vacancy occurs with one year or less remaining in the term, the Council shall appoint a person to fill the vacant office within 30 days of the office being vacated. Any person appointed by the Council to fill a vacant office shall not be eligible to run for that office for the next succeeding term; or,
  - (2) If the vacancy occurs with more than one year remaining in the term, the Council shall call a special election to be held within ninety days of the vacancy, unless there is a municipal or statewide election scheduled to be held within 180 days of the vacancy. If there is a municipal or statewide election scheduled to be held within 180 days of the vacancy, the Council may consolidate the special election with that election.
  - (3) If one candidate receives the majority of votes cast for all candidates in the special election, the candidate receiving the majority of votes cast shall be deemed to be and declared by the Council to be elected to the vacant office.

## **FULL TEXT OF MEASURE D (CONTINUED)**

- (4) If no candidate receives a majority of votes cast in the special election, a special run-off election shall be held within 90 days of the first special election, unless there is a municipal or statewide election scheduled to be held within 120 days of the proposed special run-off election date, in which case the Council may consolidate the special runoff election with that election. The two candidates receiving the highest number of votes cast for the vacant office in the first special election shall be the only candidates for the vacant office and the names of only those two candidates shall be printed on the ballot for that office.
- (5) The person appointed or elected to fill a vacancy in elective office shall serve in that elective office for the remainder of the unexpired term.

**END OF MEASURE**

# CITY OF SAN DIEGO

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

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## MEASURE E.

**REMOVING 30-FOOT HEIGHT LIMIT IN MIDWAY-PACIFIC HIGHWAY COMMUNITY PLAN AREA.** Shall People's Ordinance O-10960 be amended to exclude the Midway-Pacific Highway Community Plan area, which includes the Sports Arena, from the 30-foot height limit on buildings in the Coastal Zone, with any future development still required to comply with other governing laws?

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This measure requires approval of a simple majority (50% plus 1) of those voting on the measure.  
Full text of this measure follows the arguments.

### OFFICIAL TITLE AND SUMMARY

#### BALLOT TITLE

Amending the San Diego Municipal Code to Exclude the Midway-Pacific Highway Community Plan Area from the 30-Foot Height Limit on buildings in the Coastal Zone.

#### BALLOT SUMMARY

This measure would amend the San Diego Municipal Code (Municipal Code) to exclude the Midway-Pacific Highway Community Plan area (Community Plan area) from the existing 30-foot height limit on buildings.

This measure does not approve any specific development. Any proposed future development must comply with all governing laws at the time a development project application is submitted to the City. Building height would still be regulated by zoning laws in the Municipal Code.

Voters in the City of San Diego (City) approved a citizens' initiative measure in 1972 that limited the height of buildings in the City to 30 feet in the Coastal Zone. Voters adopted the original language and are thus asked in this measure to consider an amendment to the law.

As defined in the 1972 ballot measure, and now as part of the Municipal Code, the geographic boundaries of the Coastal Zone include the City's land and water area from the northern City limits, south to the border of Mexico, extending seaward to the outer limit of the City's jurisdiction and inland to Interstate 5.

The Midway-Pacific Highway Community Plan area contains approximately 1,324 acres of land. The approximate boundaries of the Community Plan area are Interstate 8 on the north, the San Diego International Airport on the south, Interstate 5 on the east, and Lytton Drive on the west. The Community Plan area includes the land surrounding Midway Drive and Sports Arena Boulevard, including the Pechanga Sports Arena. A map is included in the voter pamphlet and as part of this ballot measure.

If approved by a majority vote of those qualified voters who vote on the measure, the measure would amend the law in the Municipal Code to change the height limit in the area defined as the Midway-Pacific Highway Community Plan area. The amendments would take effect after the results of the election are certified in a resolution of the City Council.

## **CITY ATTORNEY IMPARTIAL ANALYSIS**

In 1972, City of San Diego (City) voters passed Proposition D. Proposition D was a citizens' initiative that amended the San Diego Municipal Code (Municipal Code) to impose a 30-foot limit on the height of buildings constructed in the City's Coastal Zone.

The Coastal Zone, as defined by Proposition D and included in the Municipal Code, includes the City's land and water area from the northern City limits, south to the border of Mexico, extending seaward to the outer limit of the City's jurisdiction and inland to Interstate 5. The Coastal Zone excludes the land bounded by National City on the south, San Diego Bay on the west, and Laurel Street or the southwesterly projection of Laurel Street on the north.

This measure would amend the language placed in the Municipal Code by Proposition D in one community plan area only. Since voters approved the original language, voters are now asked to consider an amendment to the language through this measure.

The amendment would allow buildings, or additions to buildings, that exceed the 30-foot height limit to be built in the Midway-Pacific Highway Community Plan area (Community Plan area). The Community Plan area contains approximately 1,324 acres of land surrounding Midway Drive and Sports Arena Boulevard, including the Pechanga Sports Arena. The Community Plan area is shown on a map in the voter pamphlet that is incorporated into this ballot measure.

This measure does not approve any specific development. Any new development must comply with all governing laws at the time a development project application is submitted to the City.

Zoning laws in the Municipal Code will continue to apply to regulate building heights. Any proposed development within the portions of the Community Plan area subject to Coastal Commission jurisdiction under the California Coastal Act would continue to require Coastal Commission approval.

This measure was proposed by members of the San Diego City Council, which voted to place it on the ballot. If approved by a majority of the qualified voters voting on the measure, the Municipal Code would be amended after the election results are certified by the City Council.

## **FISCAL IMPACT ANALYSIS**

This measure would amend the Height Limit Ordinance codified in San Diego Municipal Code section 132.0505 to exclude the Midway-Pacific Highway Community Plan area from the 30-foot height limit for development in the Coastal Zone. The Midway-Pacific Highway Community Plan area encompasses approximately 1,324 acres, of which 88 acres is owned by the City of San Diego, including the current Pechanga Sports Arena site.

Removing the 30-foot coastal height limit from the Midway-Pacific Highway Community Plan area does not increase the maximum allowed residential and non-residential density in the Community Plan area, but may hasten the achievement of maximum allowed development density by making it more feasible. Thus, removing the 30-foot coastal height limit from the area may result in increased economic growth in the area over time including, but not limited to, residential, hotel, office, retail, defense industries, and businesses that cater to the U.S. Navy's Space and Naval Warfare Systems Command facility and the Marine Corps Recruit Depot.

## FISCAL IMPACT ANALYSIS (CONTINUED)

This type of economic growth typically results in a greater demand for public services in the area which requires increased expenditures from the City's General Fund. The Midway-Pacific Highway Community Plan details many of these expected service needs based on the underlying zoning in the community. Partially or fully offsetting these increased public expenditures will be an increase in City tax revenues (most significantly increased sales tax and property tax tied to private development).

**Although an increase in allowable building height may spur additional development and economic activity, the potential impact to the City's General Fund cannot be determined at this time.** The net fiscal impact to the General Fund will be dependent on the type and mix of land uses as well as long-term market demand for these uses. Typically, residential uses require higher municipal service expenditures than revenue-generating non-residential uses such as retail and hotel.

# ARGUMENT IN FAVOR OF MEASURE E

VOTE YES ON E!

## LET'S REVITALIZE MIDWAY, MODERNIZE SPORTS ARENA, CREATE JOBS

Measure E will revitalize the dilapidated Midway area, help struggling San Diegans get back to work, **and create a vibrant neighborhood San Diego families can finally enjoy:** a modern Sports Arena. Public parks. Affordable housing. Good paying jobs. Millions in funding for San Diego schools and overdue infrastructure repairs – without raising taxes.

**The Midway Community Planning Group unanimously supports** removing the 30-foot height limit in Midway because it will bring to life the community's vision for a thriving cultural and economic hub.

## MAINTAIN BUILDING HEIGHT LIMITS ON THE COAST

In 1972, the Midway community was arbitrarily included in the Coastal Height Limit Zone, despite having no coastal views. **Measure E applies to ONLY the Midway community and keeps the 30-foot building height limit in place for coastal communities.** Let's fix the mistake that has been suppressing our Midway neighbors and finally give them a chance to thrive.

## NEW SPORTS ARENA & ENTERTAINMENT HUB

Measure E is the catalyst to modernizing the 54-year old Sports Arena and is the key to creating a pedestrian-friendly, transit-oriented community with entertainment, shops, and outdoor recreation.

## COMMUNITY INVESTMENT OPPORTUNITIES

Stuck with all the restrictions and none of the coastal benefits, the Midway area has suffered from blight due to lack of investment. Let's make way for new parks, more housing, better jobs, and advance our climate goals.

## AN ECONOMIC BOOST SAN DIEGO NEEDS

Measure E moves forward already approved community investments including:

- Housing with affordable options near transit in a community that wants it
- Walkable and bikeable streets to the San Diego River Park and the Coastal Zone
- Additional commercial, retail and housing with good paying jobs
- New park space with outdoor recreation and eating areas

[www.midway2020.com](http://www.midway2020.com)

Chris Cate  
Councilmember

Jennifer Campbell, M.D.  
Councilmember

Cathy Kenton  
Midway Property Owner

Dike Anyiwo  
Midway Resident

Nicole Capretz  
Executive Director  
Climate Action Campaign

# ARGUMENT AGAINST MEASURE E

## VOTE NO ON PROPOSITION E

### **This scheme erodes San Diego's longstanding coastal zone height-limit law.**

Proposition E, if approved, would see an entire community within the coastal zone declared exempt from the 30-foot coastal zone height-limit law.

The Midway-Pacific Highway Community Plan area includes Marine Corps Recruit Depot (MCRD), Midway, Sports Arena and NAVWAR. This area is rich in public land that would be ripe for private acquisition and exploitation to reward City Hall's developer friends.

## VOTE NO ON PROPOSITION E

### **This scheme sets dangerous precedent.**

In 1972 citizens created the coastal zone height-limit law to establish our right to open and accessible beaches. This scheme unravels that hard-won legal right.

It allows dense construction of unaffordable expensive residential towers within the coastal zone. This is a step toward dismantling the height-limit along the entire San Diego coastline. Proposition E will incentivize the private acquisition and use of what is now public land.

## VOTE NO ON PROPOSITION E

### **This scheme means worse freeway congestion, overloaded beach access roads, and no parking.**

## VOTE NO ON PROPOSITION E

### **Public land should remain in the public domain for park.**

The Community Plan for this project area describes 1,324 acres total. 980 acres are public land and public rights-of-way.

We can have a vast greenbelt park of sports fields, recreation areas, and a restored stretch of San Diego River for kayak and paddleboard journeys to San Diego Bay. This is a once-in-a-lifetime opportunity to convert 200-plus acres to park.

## VOTE NO ON PROPOSITION E

### **Protect MCRD.**

But first we must **VOTE NO ON PROPOSITION E.**

John McNab  
Save Our Access

Alex Leondis  
Chairman 1972 Coastal  
Height-Limit Initiative

Ronan Gray  
Chair, Save San Diego Neighborhoods Inc.

James LaMattery  
Raise the Balloon

# FULL TEXT OF MEASURE E

## Article 2: Overlay Zones

### Division 5: Coastal Height Limit Overlay Zone

#### §132.0505 Coastal Height Limit

- (a) Notwithstanding any section to the contrary, no building or addition to a building shall be constructed with a height in excess of thirty feet within the Coastal Zone of the City of San Diego.
- (b) The words "Coastal Zone" as used within this section shall mean that land and water area of the City of San Diego from the northern City limits, south to the border of the Republic of Mexico, extending seaward to the outer limits of City jurisdiction and extending inland to the location of Interstate 5 on January 1, 1971. This limitation shall not apply to:
  - (1) that land area of the Coastal Zone bounded by National City on the south, San Diego Bay on the west and Laurel Street or the southwesterly projection of Laurel Street on the north ~~or~~;
  - (2) that land area of the Coastal Zone bounded by Ingraham Street on the west, Sea World Drive on the south, Mission Bay on the north and the boat ramp access road in South Shores Park on the east ~~or~~;
  - (3) that land area of the Coastal Zone approximately bounded on the north and west by Camino de la Plaza, on the south by the international border with the Republic of Mexico, and on the east by Virginia Avenue, including that adjacent strip of land of approximately forty by 520 feet which is located south of Camino de la Plaza and east of Virginia Avenue, ~~all as more particularly described on Document No. OO-18836, a copy of which is on file with the City Clerk.; and~~
  - (4) that land area of the Coastal Zone within the Midway-Pacific Highway Community Plan area approximately bounded by the San Diego River on the north; San Diego International Airport and Laurel Street on the south; Interstate 5 on the east; and Sports Arena Boulevard, Midway Drive, Kemper Street, Rosecrans Street, and Lytton Street, including the Kemper Neighborhood Village and the Lytton District, on the west; as more particularly described in Document No. OO-\_\_\_\_\_, a copy of which is on file with the City Clerk.
- (c) The base of measurement of the height shall be in accordance with the Uniform Building Code of 1970.



## FULL TEXT OF MEASURE E (CONTINUED)

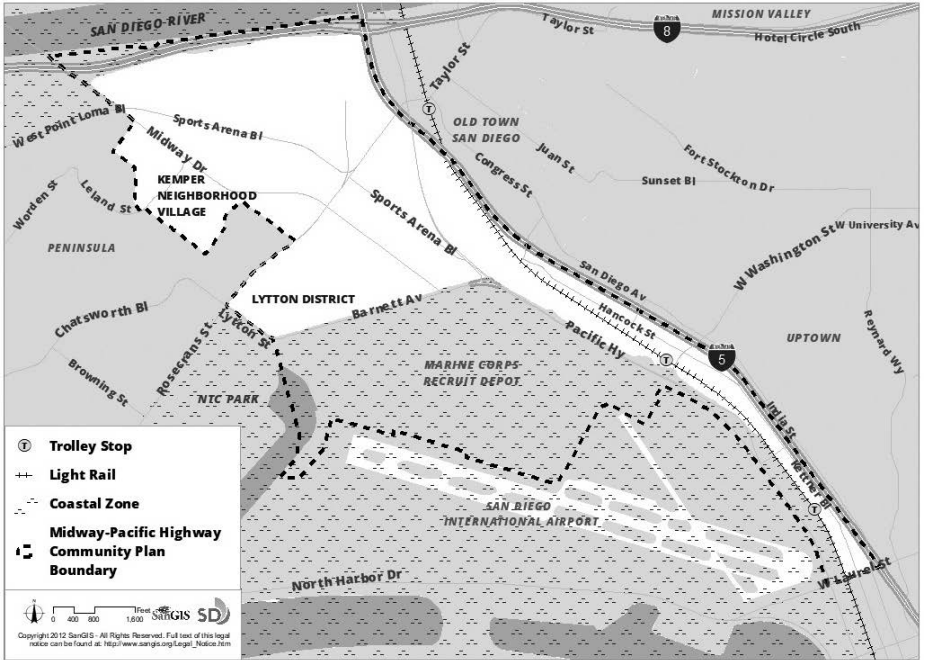
- (d) Other than the restoration of the chimney and rooftop cupola as part of the historic restoration of the 1915 Agar/Mission Brewery Building located at Washington and Hancock Streets in San Diego, California, and as described in sections 132.0505(b)(1) through (b)(4), there shall be no exception to the provisions of this section.
- (e) No building or structure or addition to a building or structure within the land described in exception section 132.0505(b)(2), shall exceed one-half the height of the existing Sea World Sky Tower on that land using the base of measurement in accordance with the Uniform Building Code of 1970.
- (f) No taxpayer funds shall be spent for any improvements in connection with a building or structure or addition to a building or structure within the land described in exception section 132.0505(b)(2).
- (g) The exception set forth in section 132.0505(b)(2) shall remain in effect as long as the land described therein is used for recreational, exhibition, educational, research and scientific purposes.
- (h) No more than five acres of the approximately sixty-six acre site described in section 132.0505(b)(3) may contain buildings or structures, or additions to buildings or structures, measuring up to 150 feet in height. No more than five additional acres of the remaining portion of the property may contain buildings or structures, or additions to buildings or structures, measuring up to eighty feet in height. As to the remaining portion of the property, no buildings or structures, or additions to buildings or structures, shall exceed fifty feet in height. The footprint of the entire building or structure shall be used to calculate the five acres, whether or not the entire building or structure measures 150 feet or eight feet in height. The measurement of height shall use the base of measurement in accordance with the Uniform Building Code of 1970.
- (i) This section may be amended, including an amendment to make an exception to the thirty-foot height limitation, only by a majority vote of the voters of the City of San Diego.

(The Midway-Pacific Community Plan area is shown on a map attached to this Ordinance as Exhibit A, and incorporated by reference here, and which will be published in the voter pamphlet as part of this measure.)

# Exhibit A

The Ordinance would submit to the qualified voters of the City of San Diego, at the Municipal Special Election Consolidated with the California State General Election to be held on November 3, 2020, a measure relating to Coastal Zone Height Limits in the Midway-Pacific Highway Community Plan Area.

Exhibit A is a one-page map incorporated by reference into the ballot measure and to be published in the voter pamphlet as part of this measure.



END OF MEASURE