

ORDINANCE NUMBER O- 21742 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 31 2023

AN ORDINANCE CALLING A MUNICIPAL PRIMARY ELECTION IN THE CITY OF SAN DIEGO ON TUESDAY, MARCH 5, 2024, AND CONSOLIDATING THE MUNICIPAL PRIMARY ELECTION WITH THE CALIFORNIA STATE PRESIDENTIAL PRIMARY ELECTION TO BE HELD ON THE SAME DATE.

WHEREAS, San Diego Charter section 10 provides that the Municipal Primary Elections in the City of San Diego (City) for the offices of Mayor, City Attorney, and City Councilmember for Districts 1, 3, 5, 7, and 9, respectively, shall be held on the same date in each election year as the California State Presidential Primary Election; and

WHEREAS, in 2024, the California State Presidential Primary Election will be held on Tuesday, March 5, 2024; and

WHEREAS, actions related to calling the Municipal Primary Election for the same date as the California State Presidential Primary Election are mandated by San Diego Charter section 10 and, therefore, are not subject to veto by the Mayor; and

WHEREAS, at a meeting held on October 31, 2023, the City Council passed Resolution Number R- 315189, requesting that the Board of Supervisors of the County of San Diego approve the consolidation of the Municipal Primary Election to be held on March 5, 2024, with the California State Presidential Primary Election to be held on the same date; and

WHEREAS, San Diego Charter section 10 also provides that all elective officers of the City shall be nominated at the Municipal Primary Election, and the top two vote-getters for each particular office will advance to a Municipal General Election; and

WHEREAS, if only one candidate qualifies for the ballot for a particular office in the Municipal Primary Election, the sole qualified candidate receiving votes shall be deemed to be, and declared by the City Council to be, elected to such office after the Municipal Primary Election results are certified;

WHEREAS, the Office of the City Attorney has drafted this Ordinance based on the information provided by City staff including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

Section 1. A Municipal Primary Election is hereby called and ordered to be held in the City of San Diego on Tuesday, March 5, 2024, to nominate candidates for the following offices:

MAYOR	four-year term
CITY ATTORNEY	four-year term
COUNCILMEMBER for District No. 1	four-year term
COUNCILMEMBER for District No. 3	four-year term
COUNCILMEMBER for District No. 5	four-year term
COUNCILMEMBER for District No. 7	four-year term
COUNCILMEMBER for District No. 9	four-year term

Section 2. The Board of Supervisors of the County of San Diego is hereby requested to consent and agree to the consolidation of the Municipal Primary Election in the City of San Diego with the California State Presidential Primary Election to be held on Tuesday, March 5, 2024, pursuant to local procedures authorized under the California Elections Code, including sections 10402, 10403, 10411, and 10418, and the City's Elections Code, set forth in

Chapter 2, Article 7 of the San Diego Municipal Code. The election shall be held in all respects as if there were only one election. Only one form of ballot shall be used. Within the City of San Diego precincts, vote centers, and officers of the election for the Municipal Primary Election shall be the same as those provided for the California State Presidential Primary Election.

Section 3. For the purpose of this election, the election precincts shall be the precincts established by the Board of Supervisors for the County of San Diego; provided, however, that certain precincts shall be consolidated in the manner indicated on the list of consolidated precincts on file in the Office of the City Clerk.

Section 4. The Board of Supervisors for the County of San Diego, through the Registrar of Voters of the County of San Diego, is hereby authorized to canvass returns of this Municipal Primary Election, in compliance with San Diego County Code of Administrative Ordinances section 439.1 and San Diego Municipal Code section 27.0111. The Registrar of Voters shall communicate the results of the canvass to the San Diego City Clerk, who shall in turn certify the results to the City Council. The City Council shall then declare the results of the Municipal Primary Election by resolution.

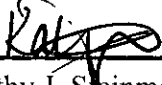
Section 5. The vote centers for this Municipal Primary Election shall be open from 7:00 a.m. on March 5, 2024, and remain open continuously until 8:00 p.m. on the same day. The vote centers shall close at 8:00 p.m., except as provided in California Elections Code section 14401.

Section 6. The City Clerk shall cause this Ordinance to be published once in the official newspaper of the City of San Diego.

Section 7. A full reading of this Ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 8. Pursuant to San Diego Charter sections 275(c), 295(b), and 295(d), this Ordinance relating to elections may be passed by the City Council on the date of introduction, which date shall be deemed the date of final passage, and is not subject to veto by the Mayor.

APPROVED: MARA W. ELLIOTT, City Attorney

By  _____
Kathy J. Steinman
Deputy City Attorney

KJS:jvg
10/11/23
Or.Dept: City Clerk
Doc. No.: 3444971

Passed by the Council of The City of San Diego on OCT 31 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 31 2023

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on OCT 31 2023, said ordinance being of the kind and character authorized for passage on its introduction by Section 275 of the Charter.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 21742

ORDINANCE NUMBER O- 21743 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 31 2023

AN ORDINANCE CALLING A MUNICIPAL SPECIAL ELECTION IN THE CITY OF SAN DIEGO ON TUESDAY, MARCH 5, 2024, TO SUBMIT ONE OR MORE BALLOT MEASURES TO THE QUALIFIED VOTERS OF THE CITY; AND CONSOLIDATING THE MUNICIPAL SPECIAL ELECTION WITH THE CALIFORNIA STATE PRESIDENTIAL PRIMARY ELECTION TO BE HELD ON THE SAME DATE.

WHEREAS, the Council of the City of San Diego (City Council), by separate ordinances, may submit to the qualified voters of the City of San Diego (City) one or more ballot measures at a Municipal Special Election; and

WHEREAS, the City Council is authorized to place ballot measures that include Charter amendments on a Municipal Special Election ballot pursuant to San Diego Charter section 223, Article XI, section 3(b) of the Constitution of the State of California, and section 9255(a)(2) of the California Elections Code; and

WHEREAS, the City Council is authorized to place other ballot measures on a Municipal Special Election ballot pursuant to San Diego Municipal Code section 27.0502; and

WHEREAS, the City Council now desires to call a Municipal Special Election, and order it to be held in the City of San Diego on March 5, 2024, for the purpose of submitting one or more ballot measures to the qualified voters of the City of San Diego; and

WHEREAS, at a meeting held on October 31, 2023, the City Council passed Resolution Number R-315190, requesting that the Board of Supervisors of the County of San Diego approve the consolidation of the Municipal Special Election to be held on March 5, 2024, with the California State Presidential Primary Election to be held on the same date; and

WHEREAS, the Office of the City Attorney has drafted this Ordinance based on the information provided by City staff including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

Section 1. A Municipal Special Election is hereby called and ordered to be held in the City of San Diego on Tuesday, March 5, 2024, to submit one or more ballot measures to the qualified voters of the City, if any are submitted by separate ordinances for placement on that ballot.

Section 2. The measures shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in the separate ordinances placing the measures on the March 5, 2024 ballot.

Section 3. The measures submitted by separate ordinances for placement on the March 5, 2024 ballot, if any, shall be designated on the ballot by a letter printed on the left margin of the square containing the description of the proposition as provided in California Elections Code section 13116.

Section 4. City measures to be submitted to the voters at the March 5, 2024 Municipal Special Election, if any, shall appear, pursuant to San Diego Municipal Code section 27.0507, on the ballot in the following order:

- (a) Initiative measures, including both measures placed on the ballot by petition and measures placed on the ballot by action of the City Council pursuant to San Diego Municipal Code section 27.1001, in the order in which the ordinances placing the initiatives on the ballot are adopted by the City Council;

- (b) Bond measures, in the order in which the ordinances placing them on the ballot are adopted by the City Council;
- (c) Charter amendments, in the order in which the ordinances placing them on the ballot are adopted by the City Council;
- (d) Other legislative measures, in the order in which the ordinances placing them on the ballot are adopted by the City Council;
- (e) Referendum measures, in the order in which the ordinances placing them on the ballot are adopted by the City Council; and
- (f) Advisory matters, in the order in which the ordinances placing them on the ballot are adopted by the City Council.

Section 5. The Board of Supervisors of the County of San Diego is hereby requested to consent and agree to the consolidation of the Municipal Special Election in the City of San Diego with the California State Presidential Primary Election to be held on Tuesday, March 5, 2024, pursuant to local procedures authorized under the California Elections Code, including sections 10402, 10403, 10411, and 10418, and the City's Elections Code, set forth in Chapter 2, Article 7 of the San Diego Municipal Code. The election shall be held in all respects as if there were only one election. Only one form of ballot shall be used. Within the City of San Diego precincts, vote centers, and officers of the election for the Municipal Special Election shall be the same as those provided for the California State Presidential Primary Election.

Section 6. For the purpose of this election, the election precincts shall be the precincts established by the Board of Supervisors for the County of San Diego; provided, however, that certain precincts shall be consolidated in the manner indicated on the list of consolidated precincts on file in the Office of the City Clerk.

Section 7. The vote centers for this Municipal Special Election shall be open from 7:00 a.m. on March 5, 2024, and remain open continuously until 8:00 p.m. on the same day. The vote centers shall close at 8:00 p.m., except as provided in California Elections Code section 14401.

Section 8. Except as otherwise provided in this Ordinance, the Municipal Special Election called for March 5, 2024, shall be conducted as provided by law for other municipal elections in the City of San Diego. The method of voting on the measures shall be provided in the California Elections Code.

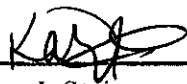
Section 9. The Board of Supervisors for the County of San Diego, through the Registrar of Voters of the County of San Diego, is hereby authorized to canvass returns of this Municipal Special Election, in compliance with San Diego County Code of Administrative Ordinances section 439.1 and San Diego Municipal Code section 27.0111. The Registrar of Voters shall communicate the results of the canvass to the San Diego City Clerk, who shall in turn certify the results to the City Council. The City Council shall then declare the results of the Municipal Special Election by resolution.

Section 10. The City Clerk shall cause this Ordinance to be published once in the official newspaper of the City of San Diego.

Section 11. A full reading of this Ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 12. Pursuant to San Diego Charter sections 275(c), 295(b), and 295(d), this Ordinance relating to elections may be passed by the City Council on the date of introduction, which date shall be deemed the date of final passage, and is not subject to veto by the Mayor.

APPROVED: MARA W. ELLIOTT, City Attorney

By  _____
Kathy J. Steinman
Deputy City Attorney

KJS:jvg
10/11/23
Or.Dept: City Clerk
Doc. No.: 3444973

Passed by the Council of The City of San Diego on OCT 31 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Seán Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 31 2023

AUTHENTICATED BY: TODD GLORIA
Mayor of The City of San Diego, California.

(Seal) DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on OCT 31 2023, said ordinance being of the kind and character authorized for passage on its introduction by Section 275 of the Charter.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal) DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- **21743**

21749

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE ~~NOV 14 2023~~

AN ORDINANCE CALLING A MUNICIPAL SPECIAL ELECTION IN THE CITY OF SAN DIEGO ON TUESDAY, MARCH 5, 2024, FOR THE OFFICE OF COUNCILMEMBER FOR COUNCIL DISTRICT 4 DUE TO VACANCY AND CONSOLIDATING THE MUNICIPAL SPECIAL ELECTION WITH THE CALIFORNIA STATE PRESIDENTIAL PRIMARY ELECTION TO BE HELD ON THE SAME DATE.

WHEREAS, San Diego Charter (Charter) section 302 provides that if a vacancy in the office of Councilmember occurs with more than one year remaining in the term, the Council of the City of San Diego (City 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 City Council may consolidate the special election with that election; and

WHEREAS, 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 City Council to be elected to the vacant office; and

WHEREAS, 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 a regular municipal or statewide election is scheduled within 120 days of the proposed special run-off election date, in which case the elections may be consolidated; and

WHEREAS, if no candidate receives a majority of votes cast in the special 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

WHEREAS, the person elected to fill the vacancy in elective office shall serve in that elective office for the remainder of the unexpired term; and

WHEREAS, San Diego Municipal Code (Municipal Code) section 27.0204(b) states “[i]n the case of a special election called to fill a vacated elective office, nomination papers may be obtained from the City Clerk and circulated not earlier than seventy-four days prior to the election; except that for special elections that would be consolidated with other statewide elections, the City Council shall adopt a schedule consistent with the filing of nomination documents for the statewide election;” and

WHEREAS, Municipal Code section 27.0214(b) states “[i]n the case of a special election called to fill a vacated elective office, nomination papers shall be submitted for filing in the Office of the City Clerk no earlier than the sixty-seventh calendar day prior to the District or City-wide Primary Election nor later than the close of business on the sixtieth calendar day prior to the District or City-wide Primary Election; except that for special elections that would be consolidated with other statewide elections, the City Council shall adopt a filing schedule consistent with the filing of nomination documents for statewide elections;” and

WHEREAS Council President Pro Tem Monica Montgomery Steppe, holding the office of Councilmember for Council District 4, having been elected to the County of San Diego Board of Supervisors has resigned from her Council seat, effective December 5, 2023; and

WHEREAS, the vacancy occurs with more than one year remaining in the term of office, as the term expires in December 2026; and

WHEREAS, on October 30, 2023, the City Council called a Municipal Primary Election, consolidated with the California State Presidential Primary Election, and which will be held on Tuesday, March 5, 2024, which is within 180 days of the vacancy; and

WHEREAS, at a meeting held on Novemeber 14, 2023, the City Council passed San Diego Resolution R- 315230, requesting that the Board of Supervisors of the County of San Diego approve the consolidation of this Municipal Special Election to be held on March 5, 2024, with the California State Presidential Primary Election to be held on the same date; and

WHEREAS, the Office of the City Attorney has drafted this Ordinance based on the information provided by City staff including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; and

WHEREAS, the City Council's act of calling a Municipal Special Election after a vacancy has occurred is mandated by Charter section 302 and actions related to the calling of a Municipal Special Election are in the purview of the City Council, as Charter section 295(d) indicates regarding ordinances that call or relate to elections, therefore, is not subject to veto by the Mayor; NOW, THEREFORE,

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

Section 1. A Municipal Special Election is hereby called and ordered to be held in the City of San Diego on Tuesday, March 5, 2024, for the purpose of electing candidates for Councilmember for Council District 4, to serve for the remainder of the current four-year term to which Council President Pro Tem Monica Montgomery Steppe had been elected and had served until her resignation.

Section 2. The Board of Supervisors of the County of San Diego is hereby requested to consent and agree to the consolidation of this Municipal Special Election in the City of San Diego with the California State Presidential Primary Election to be held on Tuesday, March

5, 2024, pursuant to local procedures authorized under the California Elections Code, including sections 10402, 10403, 10411, and 10418, and the City's Elections Code, set forth in Chapter 2, Article 7 of the Municipal Code. The election shall be held in all respects as if there were only one election. Only one form of ballot shall be used. Within the City of San Diego precincts, vote centers, and officers of the election for this Municipal Special Election shall be the same as those provided for the California State Primary Election.

Section 3. The following dates for nominating candidates for this Municipal Special Election are established pursuant to requirements of Municipal Code sections 27.0204(b) and 27.0214(b):

Wednesday, November 15, 2023 -- Nomination period opens; and

Thursday, December 14, 2023 -- Last day to file nominating papers.

Section 4. For the purpose of this election, the election precincts shall be the precincts established by the Board of Supervisors for the County of San Diego; provided, however, that certain precincts shall be consolidated in the manner indicated on the list of consolidated precincts on file in the Office of the City Clerk.

Section 5. The Board of Supervisors for the County of San Diego, through the Registrar of Voters of the County of San Diego, is hereby authorized to canvass returns of this Municipal Special Election, in compliance with San Diego County Code of Administrative Ordinances section 439.1 and Municipal Code section 27.0111. The Registrar of Voters shall communicate the results of the canvass to the San Diego City Clerk, who shall in turn certify the results to the City Council. The City Council shall then declare the results of this Municipal Special Election by resolution.


Section 6. The vote centers for this Municipal Special Election shall be open from 7:00 a.m. on March 5, 2024, and remain open continuously until 8:00 p.m. on the same day. The vote centers shall close at 8:00 p.m., except as provided in California Elections Code section 14401.

Section 7. The City Clerk shall cause this Ordinance to be published once in the official newspaper of the City of San Diego.

Section 8. A full reading of this Ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 9. Pursuant to Charter sections 275(c), 295(b), and 295(d), this Ordinance relating to elections may be passed by the City Council on the date of introduction, which date shall be deemed the date of final passage, and is not subject to veto by the Mayor.

APPROVED: MARA W. ELLIOTT, City Attorney

By 

Kathy J. Steinman
Deputy City Attorney

KJS:jvg:cm
11/09/2023
Or.Dept: City Clerk
Doc. No. 3471378

Passed by the Council of The City of San Diego on NOV 14 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 14 2023

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on NOV 14 2023, said ordinance being of the kind and character authorized for passage on its introduction by Section 275 of the Charter.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

<p>Office of the City Clerk, San Diego, California</p> <p>Ordinance Number O- <u>21749</u></p>
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RESOLUTION NUMBER R- 315191

DATE OF FINAL PASSAGE NOV 06 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DIRECTING THE CITY ATTORNEY TO PREPARE A BALLOT TITLE AND SUMMARY AND AN IMPARTIAL ANALYSIS; DIRECTING THE MAYOR, INDEPENDENT BUDGET ANALYST, AND CITY AUDITOR TO PREPARE A FISCAL IMPACT ANALYSIS; AND ASSIGNING BALLOT ARGUMENTS, ALL REGARDING ONE MEASURE AMENDING THE SAN DIEGO CITY CHARTER, BY AMENDING ARTICLE V, BY AMENDING SECTION 40 AND ADDING SECTION 40.2, RELATING TO INDEPENDENT LEGAL COUNSEL FOR THE OFFICE OF THE CITY AUDITOR AND AUDIT COMMITTEE ON SPECIFIED CONDITIONS, TO BE SUBMITTED TO QUALIFIED VOTERS OF THE CITY OF SAN DIEGO AT THE MUNICIPAL SPECIAL ELECTION, CONSOLIDATED WITH THE CALIFORNIA STATE PRESIDENTIAL PRIMARY ELECTION TO BE HELD ON MARCH 5, 2024.

WHEREAS, San Diego Municipal Code (Municipal Code) section 27.0504 allows the Council of the City of San Diego (Council) to direct the City Attorney to prepare a ballot title and summary of any proposed ballot measure; and

WHEREAS, Municipal Code section 27.0505 allows the Council to direct the City Attorney to prepare an impartial analysis of any proposed ballot measure; and

WHEREAS, Municipal Code section 27.0506 directs the Independent Budget Analyst, working with the Mayor or designee and the City Auditor, to prepare a fiscal impact analysis of a proposed legislative act; and

WHEREAS, Municipal Code section 27.0513 allows the Council to assign to itself, individual Councilmembers, and the Mayor, the authorship and signing of a ballot argument in support of, or in opposition to, a ballot measure; and

WHEREAS, on November 6, 2023, the Council adopted San Diego Ordinance O- 21744, to place on the March 5, 2024, Municipal Special Election ballot, consolidated with the California State Presidential Primary Election, one measure amending the San Diego Charter (Charter), by amending Article V, by amending section 40 and by adding section 40.2, relating to independent legal counsel for the Office of the City Auditor and Audit Committee on specified conditions (proposed Charter amendment); and

WHEREAS, following the Council Policy 000-21 process, in May 2020, the City Auditor presented the proposed Charter amendment to the Council's Rules Committee, after a presentation to the Audit Committee in February 2020; and

WHEREAS, the City Auditor's proposed Charter amendment allows the Office of the City Auditor to use legal counsel, independent of the Office of the City Attorney, in certain circumstances; and

WHEREAS, in 2020, the Audit Committee and the Council's Rules Committee supported the proposed Charter amendment, but the Council was unable to timely complete the process required by the Meyers-Milias-Brown Act (MMBA), California's collective bargaining law applicable to the City as a public agency employer, before the November 2020 election; and

WHEREAS, on February 16, 2022, the Rules Committee voted to advance the proposed Charter amendment to the Council to reauthorize the meet and confer process and to modify the proposed Charter amendment to vest with the Audit Committee the authority to deem independent legal counsel for the City Auditor in the "public interest," as that term is defined by generally accepted government auditing standards promulgated by the United States Government Accountability Office or successor agency; and

WHEREAS, on April 25, 2022, by San Diego Resolution R-314078 (May 10, 2022), the Council directed the City's Management Team for labor relations to provide notice and

opportunity to negotiate bargainable matters identified in the proposed Charter amendment, in accordance with the MMBA; and

WHEREAS, by San Diego Resolution R-314981 (June 28, 2023), the Council approved an agreement between the City and the Deputy City Attorneys Association, memorializing the completion of the meet and confer process related to the proposed Charter amendment and acknowledging that the Council, within its discretion, may take any and all further actions necessary to place the proposed Charter amendment before City voters at the March 2024 election or at some later election, as determined by the Council; and

WHEREAS, by San Diego Resolution R-314982 (June 28, 2023), the Council approved an agreement between the City and the San Diego Municipal Employees Association, memorializing the completion of the meet and confer process related to the proposed Charter amendment and acknowledging that the Council, within its discretion, may take any and all further actions necessary to place the proposed Charter amendment before City voters at the March 2024 election or at some later election, as determined by the Council; and

WHEREAS, the Council has determined to place the proposed Charter amendment before voters and now wishes to assign the matters related to the measure; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; and

WHEREAS, pursuant to San Diego City Charter section 295(d), this resolution relating to matters to submit to City voters at a Municipal Special Election is not subject to veto by the Mayor, and thus the date of its passage by the Council shall be deemed the date of final passage;
NOW, THEREFORE,

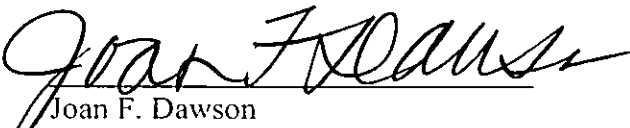
BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. The City Attorney is directed to prepare a ballot title and summary, and an impartial analysis, of the proposed Charter amendment for inclusion in the voter pamphlet and to deliver the ballot title and summary, and the impartial analysis, to the Office of the City Clerk, Elections Section, no later than December 11, 2023.

2. The Independent Budget Analyst, working with the Mayor (or the Mayor's designee) and the City Auditor, is directed to prepare a fiscal impact analysis of the proposed Charter amendment for inclusion in the voter pamphlet and to deliver the analysis to the Office of the City Clerk, Elections Section, no later than December 11, 2023.

3. The Council authorizes Councilmember Vivian Moreno to sign and file a written ballot argument in favor of the proposed Charter amendment for inclusion in the voter pamphlet. The ballot argument must be delivered to the Office of the City Clerk, Elections Section, no later than December 13, 2023.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Joan F. Dawson
Deputy City Attorney

JFD:cm

October 20, 2023

November 2, 2023 COR. COPY

November 7, 2023 COR. COPY 2

Or.Dept: Office of the City Auditor

Doc. No. 3452299_3

Passed by the Council of The City of San Diego on NOV 06 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 06 2023

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 315191