

# Statewide General Election

Tuesday, November 8, 2022




All Voters Will Be Mailed A Ballot



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**OFFICIAL BALLOT**  
**SAN DIEGO COUNTY, CALIFORNIA**  
**STATEWIDE GENERAL ELECTION**  
**NOVEMBER 8, 2022**

<b>JUDICIAL</b>	<b>COUNTY</b>
<b>JUDGE OF THE SUPERIOR COURT OFFICE NO. 35</b>	<b>DISTRICT ATTORNEY</b>
<b>Vote for One</b>	<b>Vote for One</b>
<input type="radio"/> <b>REBECCA KANTER</b> Assistant U.S. Attorney	<input type="radio"/> <b>SUMMER STEPHAN</b> District Attorney of San Diego County
<input type="radio"/> <b>MIKE MURPHY</b> Deputy Attorney General	<b>SHERIFF</b>
<b>JUDGE OF THE SUPERIOR COURT OFFICE NO. 36</b>	<b>Vote for One</b>
<b>Vote for One</b>	<input type="radio"/> <b>JOHN HEMMERLING</b> Chief Criminal Prosecutor
<input type="radio"/> <b>PETE MURRAY</b> Attorney/Criminal Prosecutor	<input type="radio"/> <b>KELLY ANNE MARTINEZ</b> Undersheriff
<input type="radio"/> <b>PETER SINGER</b> Superior Court Commissioner, County of San Diego	<b>TREASURER-TAX COLLECTOR</b>
<b>SCHOOL</b>	<b>Vote for One</b>
<b>STATE SUPERINTENDENT OF PUBLIC INSTRUCTION</b>	<input type="radio"/> <b>GREG HODOSEVICH</b> Chief Financial Officer
<b>Vote for One</b>	<input type="radio"/> <b>DAN MCALLISTER</b> San Diego County Treasurer-Tax Collector
<input type="radio"/> <b>LANCE RAY CHRISTENSEN</b> Education Policy Executive	<b>CITY</b>
<input type="radio"/> <b>TONY K. THURMOND</b> Superintendent of Public Instruction	<b>CITY OF SAN DIEGO</b>
<input type="radio"/> <b>Write-in</b>	<b>MEMBER, CITY COUNCIL DISTRICT NO. 2</b>
<b>SAN DIEGO UNIFIED SCHOOL DISTRICT</b>	<b>Vote for One</b>
<b>MEMBER, BOARD OF EDUCATION DISTRICT C</b>	<input type="radio"/> <b>JENNIFER CAMPBELL</b> San Diego City Councilmember/Family Physician
<b>Vote for One</b>	<input type="radio"/> <b>LINDA LUKACS</b> Dentist/Educator
<input type="radio"/> <b>CODY PETTERSON</b> Educator/Parent	
<input type="radio"/> <b>BECCA WILLIAMS</b> Educator/Mom	
<input type="radio"/> <b>Write-in</b>	
<b>COUNTY</b>	
<b>ASSESSOR/RECORDER/ COUNTY CLERK</b>	
<b>Vote for One</b>	
<input type="radio"/> <b>JORDAN MARKS</b> Chief Deputy Assessor	
<input type="radio"/> <b>BARBARA BRY</b> Chief Financial Officer	

**EN-411-04**

**OFFICIAL BALLOT**  
**SAN DIEGO COUNTY, CALIFORNIA**  
**STATEWIDE GENERAL ELECTION**  
**NOVEMBER 8, 2022**

STATE		COUNTY	
<p><b>PROP 29 REQUIRES ON-SITE LICENSED MEDICAL PROFESSIONAL AT KIDNEY DIALYSIS CLINICS AND ESTABLISHES OTHER STATE REQUIREMENTS. INITIATIVE STATUTE.</b>                      Requires physician, nurse practitioner, or physician assistant on site during treatment. Requires clinics to: disclose physicians' ownership interests; report infection data.  <b>Fiscal Impact:</b> Increased state and local government costs likely in the tens of millions of dollars annually.</p>		<p><b>MEASURE A CANNABIS BUSINESS TAX</b> Shall the measure to fund general County purposes including but not limited to parks, fire safety, roads, health, and social equity, by taxing cannabis businesses in the unincorporated area on gross receipts at maximum 6% for retail, 3% for distribution, 2% for testing, cultivation at 3% or \$10 (inflation adjustable) per canopy square foot, and 4% for other businesses, generating an estimated \$2,930,000 to \$5,600,000 annually until repealed by voters, be adopted?</p>	
<input type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> YES	<input type="radio"/> NO
<p><b>PROP 30 PROVIDES FUNDING FOR PROGRAMS TO REDUCE AIR POLLUTION AND PREVENT WILDFIRES BY INCREASING TAX ON PERSONAL INCOME OVER \$2 MILLION. INITIATIVE STATUTE.</b> Allocates tax revenues to zero-emission vehicle purchase incentives, vehicle charging stations, and wildfire prevention. <b>Fiscal Impact:</b> Increased state tax revenue ranging from \$3.5 billion to \$5 billion annually, with the new funding used to support zero-emission vehicle programs and wildfire response and prevention activities.</p>		<p align="center"><b>CITY OF SAN DIEGO</b></p> <p><b>MEASURE B AMENDS SAN DIEGO MUNICIPAL CODE SECTION 66.0127 RELATED TO SOLID WASTE MANAGEMENT SERVICES:</b> Shall the San Diego Municipal Code be amended so that all City residents receive comparable trash, recycling, and other solid waste management services, by allowing the City to recover its cost of providing these services to eligible residential properties, which could allow the City to provide additional services, such as weekly recycling, bulky item pickup, and curbside container replacement and delivery, at no extra charge?</p>	
<input type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> YES	<input type="radio"/> NO
<p><b>PROP 31 REFERENDUM ON 2020 LAW THAT WOULD PROHIBIT THE RETAIL SALE OF CERTAIN FLAVORED TOBACCO PRODUCTS.</b> A "Yes" vote approves, and a "No" vote rejects, a 2020 law prohibiting retail sale of certain flavored tobacco products. <b>Fiscal Impact:</b> Decreased state tobacco tax revenues ranging from tens of millions of dollars annually to around \$100 million annually.</p>		<input type="radio"/> YES	<input type="radio"/> NO
<input type="radio"/> YES	<input type="radio"/> NO		

**EN-411-08**

**OFFICIAL BALLOT**  
**SAN DIEGO COUNTY, CALIFORNIA**  
**STATEWIDE GENERAL ELECTION**  
**NOVEMBER 8, 2022**

<b>CITY OF SAN DIEGO</b>		<b>CITY OF SAN DIEGO</b>	
<p><b>MEASURE C 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>		<p><b>MEASURE H CHARTER AMENDMENT REGARDING ARTICLE V, SECTION 55.</b>            Shall Article V, Section 55 be amended to authorize childcare on dedicated parkland property with "childcare" meaning any State-licensed facility, other than in-home family day care, in which nonmedical care and supervision is provided for children under age 18 in a group setting for less than 24 hours per day, excluding educational or instructional use provided by public, private, home, or charter schools?</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>
<p><b>MEASURE D CONTRACTING UPDATES. PROJECT LABOR AGREEMENTS FOR STATE FUNDING ELIGIBILITY:</b> Shall the San Diego Municipal code be amended to provide that the City of San Diego may preserve its ability to receive State infrastructure funding by allowing the use of Project Labor Agreements on City Construction Projects; requiring provisions in the agreements to prohibit employment discrimination and ensure open competition; expanding public disclosure; tracking local hiring requirements; and establishing a Citizens' Oversight Board?</p>		<p><b>SAN DIEGO UNIFIED SCHOOL DISTRICT</b></p>	
<p><b>MEASURE U San Diego Student Safety, Health, and School Repair Measure</b>            To improve all public schools by:</p> <ul style="list-style-type: none"> <li>• Repairing leaky roofs/plumbing;</li> <li>• Providing safe drinking water;</li> <li>• Removing asbestos, lead paint, mold;</li> <li>• Improving classroom security/communications, systems, cameras, door locks to protect against school shootings;</li> <li>• Upgrading career, science, technology, engineering, math classrooms;</li> </ul> shall San Diego Unified School District's measure authorizing \$3,200,000,000 in bonds at legal rates, levying approximately 6 cents per \$100 of assessed value, averaging \$330,000,000 annually while bonds are outstanding, requiring public spending disclosures, audits, citizens oversight, be adopted?		<p><b>BONDS - YES</b>      <b>BONDS - NO</b></p>	
<input type="radio"/> <b>YES</b>	<input type="radio"/> <b>NO</b>	<input type="radio"/> <b>BONDS - YES</b>	<input type="radio"/> <b>BONDS - NO</b>

**EN-411-09**

**CITY OF SAN DIEGO**  
**Member of the City Council District No. 2**



**JENNIFER CAMPBELL, MD**  
**City Councilmember**  
**Family Physician**

“Dr. Jen Campbell is the Councilwoman working families count on.”  
-Mayor Todd Gloria

Dr. Jen Campbell is our Councilwoman, Clairemont neighbor and a physician who’s spent her life keeping families healthy and safe.

We can count on Dr. Jen Campbell to tackle our toughest challenges - homelessness, housing, rising costs, crime - because she always has.

Dr. Jen Campbell: Urgent Action On Homelessness

- Expanding Safe Parking Lots to stop the explosion of people living in their cars.
- Launched the Conservatorship Unit to require treatment for extreme mental illness.
- Adding substance abuse treatment to tackle addiction raging on our streets

Dr. Jen Campbell: Giving Voice To Our Values

- 100% pro-choice. Protecting women’s health.
- Stood strong on vaccines to save lives during COVID.
- Gun safety champion - outlawed untraceable ghost guns.
- Launched San Diego Community Power, our clean energy alternative to SDG&E.

Dr. Jen Campbell: Fighting For A Safer, Affordable San Diego

- Fully fund public safety. Restore community policing.
- Fix city infrastructure. Prioritize hiring local San Diego workers.
- Bring new homes for all incomes across San Diego.

Endorsements:  
Congressman Scott Peters  
County Supervisor Nathan Fletcher  
National Union of Healthcare Workers  
Equality California  
San Diego Police Officers Association  
San Diego City Firefighters

[DrJenCampbell.com!](http://DrJenCampbell.com!)

**CITY OF SAN DIEGO**  
**Member of the City Council District No. 2**



**LINDA LUKACS**

This community is our home and I'm committed to enhancing our quality of life and making this a district where we all, once again, feel proud and safe.

I bring a comprehensive skill set to the challenges we face. I have experience in healthcare, academics, business and leadership as a dentist, former nurse, educator and small business owner. My background has contributed to my ability to work with others, listen closely, problem solve and budget responsibly.

As your councilmember I will:

- Fight to preserve the character of our neighborhoods and judiciously protect the coastal height limit for buildings.
- Support fiscally responsible and environmentally sensible solutions in addressing economic development and our failing infrastructure.
- Support practical solutions to our homeless crisis, focusing on root causes of the problem.
- Support our law enforcement to enhance public safety so that we can all feel safe in our community.
- Make my first priority and most important responsibility serving you. My Council office will be active, visible and responsive to all residents as we focus on solving constituent problems. You will be heard!

Together we can make a difference. I would be honored to receive your vote.

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

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**STATEWIDE GENERAL ELECTION**  
**NOVEMBER 8, 2022**

<b>JUDICIAL</b>	<b>COUNTY</b>
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<input type="radio"/> <b>REBECCA KANTER</b> Assistant U.S. Attorney	<input type="radio"/> <b>JORDAN MARKS</b> Chief Deputy Assessor
<input type="radio"/> <b>MIKE MURPHY</b> Deputy Attorney General	<input type="radio"/> <b>BARBARA BRY</b> Chief Financial Officer
<b>JUDGE OF THE SUPERIOR COURT OFFICE NO. 36</b>	<b>DISTRICT ATTORNEY</b>
<b>Vote for One</b>	<b>Vote for One</b>
<input type="radio"/> <b>PETE MURRAY</b> Attorney/Criminal Prosecutor	<input type="radio"/> <b>SUMMER STEPHAN</b> District Attorney of San Diego County
<input type="radio"/> <b>PETER SINGER</b> Superior Court Commissioner, County of San Diego	<b>SHERIFF</b>
<b>SCHOOL</b>	<b>Vote for One</b>
<b>STATE SUPERINTENDENT OF PUBLIC INSTRUCTION</b>	<input type="radio"/> <b>JOHN HEMMERLING</b> Chief Criminal Prosecutor
<b>Vote for One</b>	<input type="radio"/> <b>KELLY ANNE MARTINEZ</b> Undersheriff
<input type="radio"/> <b>LANCE RAY CHRISTENSEN</b> Education Policy Executive	<b>TREASURER-TAX COLLECTOR</b>
<input type="radio"/> <b>TONY K. THURMOND</b> Superintendent of Public Instruction	<b>Vote for One</b>
<input type="radio"/> <b>Write-in</b>	<input type="radio"/> <b>GREG HODOSEVICH</b> Chief Financial Officer
<b>COUNTY BOARD OF EDUCATION 3RD DISTRICT</b>	<input type="radio"/> <b>DAN MCALLISTER</b> San Diego County Treasurer-Tax Collector
<b>Vote for One</b>	<b>CITY</b>
<input type="radio"/> <b>MARVIN J. ATTIQ</b> Barber/Cosmetic Manufacturer	<b>CITY OF SAN DIEGO</b>
<input type="radio"/> <b>ALICIA MUÑOZ</b> Governing Board Member, SD County Board of Education	<b>MEMBER, CITY COUNCIL</b>
<b>COUNTY</b>	<b>DISTRICT NO. 4</b>
<b>MEMBER, BOARD OF SUPERVISORS DISTRICT NO. 4</b>	<b>Vote for One</b>
<b>Vote for One</b>	<input type="radio"/> <b>GLORIA EVANGELISTA</b> Dietitian
<input type="radio"/> <b>AMY REICHERT</b> Small Business Owner	<input type="radio"/> <b>MONICA MONTGOMERY STEPPE</b> Councilmember
<input type="radio"/> <b>NATHAN FLETCHER</b> San Diego County Supervisor / Educator	

**CITY OF SAN DIEGO**  
**Member of the City Council District No. 4**

**GLORIA EVANGELISTA**  
**Dietitian**

Gloria Evangelista has been a resident of District Four since 1970. If elected, I will do my best to represent resident concerns of all communities within District Four and will advocate for the following:

- Timely repair of potholes and repaving of streets
- Improved streetscaping (ie trees, landscaping, street furniture, clean-up), especially along major roads and gathering hubs
- Walkable and bike-friendly neighborhoods
- Prioritize residents cost of living concerns
- Less government – less taxes, less bureaucracy
- Fiscal responsibility, accountability and transparency
- Safe neighborhoods by supporting law enforcement staffing and training and more Neighborhood Watch Groups. As an example, I do not support the PROTECT Act, which appears altruistic but, in reality, will compromise the safety of San Diego residents and contribute to the growing problem of law enforcement departures from San Diego
- Safe parks that promote family-friendly gatherings, events and fitness
- Addressing issues of concern, such as homelessness and substance abuse rehabilitation, by working with faith-based and other non-profit organizations to find practical solutions
- Incentives for healthy grocery stores, restaurants and businesses to do business and invest in the diverse communities of District 4
- Promoting unity and not division

I would appreciate your vote for City Council. God bless you.



**CITY OF SAN DIEGO**  
**Member of the City Council District No. 4**



**MONICA MONTGOMERY STEPPE**  
**City Councilmember**

Councilmember Monica Montgomery Steppe: Community. Courage. Consistency.

In unprecedented times, Monica delivered for the people of Southeastern San Diego.

Monica worked tirelessly alongside community members to:

Create economic opportunity-- through job training programs, home buyer programs, supporting small businesses, growing the green economy, funding arts and education, and increasing representation in economic investment.

Invest in neighborhood infrastructure-- by paving roads and fixing sidewalks, building parks, opening a new senior & community center, making transit more accessible, and removing over 1,000 tons of trash and debris.

Re-imagine public safety-- by leading on law enforcement reform, investing in community crime prevention programs, and increasing resources to address mental health and addiction issues.

Monica will continue working-- for more local jobs, libraries and fire stations, parks and green space, funding for businesses, holistic public safety, and programs to prevent and address homelessness.

Monica gets it. She grew up in District Four.

Monica invites the community to the table to make policy, bringing residents of District Four into the halls of government to help craft solutions to our biggest problems. That's why she's asking for another term to finish what we've started, together.

[www.Monica4SanDiego.com](http://www.Monica4SanDiego.com)

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**NOVEMBER 8, 2022**

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<input type="radio"/> <b>REBECCA KANTER</b> Assistant U.S. Attorney	<input type="radio"/> <b>SUMMER STEPHAN</b> District Attorney of San Diego County
<input type="radio"/> <b>MIKE MURPHY</b> Deputy Attorney General	<b>SHERIFF</b>
<b>JUDGE OF THE SUPERIOR COURT OFFICE NO. 36</b>	<b>Vote for One</b>
<b>Vote for One</b>	<input type="radio"/> <b>JOHN HEMMERLING</b> Chief Criminal Prosecutor
<input type="radio"/> <b>PETE MURRAY</b> Attorney/Criminal Prosecutor	<input type="radio"/> <b>KELLY ANNE MARTINEZ</b> Undersheriff
<input type="radio"/> <b>PETER SINGER</b> Superior Court Commissioner, County of San Diego	<b>TREASURER-TAX COLLECTOR</b>
<b>SCHOOL</b>	<b>Vote for One</b>
<b>STATE SUPERINTENDENT OF PUBLIC INSTRUCTION</b>	<input type="radio"/> <b>GREG HODOSEVICH</b> Chief Financial Officer
<b>Vote for One</b>	<input type="radio"/> <b>DAN MCALLISTER</b> San Diego County Treasurer-Tax Collector
<input type="radio"/> <b>LANCE RAY CHRISTENSEN</b> Education Policy Executive	<b>CITY</b>
<input type="radio"/> <b>TONY K. THURMOND</b> Superintendent of Public Instruction	<b>CITY OF SAN DIEGO</b>
<input type="radio"/> <b>Write-in</b>	<b>MEMBER, CITY COUNCIL DISTRICT NO. 6</b>
<b>SAN DIEGO UNIFIED SCHOOL DISTRICT</b>	<b>Vote for One</b>
<b>MEMBER, BOARD OF EDUCATION DISTRICT C</b>	<input type="radio"/> <b>KENT LEE</b> Nonprofit Executive Director
<b>Vote for One</b>	<input type="radio"/> <b>TOMMY HOUGH</b> County Planning Commissioner
<input type="radio"/> <b>CODY PETTERSON</b> Educator/Parent	
<input type="radio"/> <b>BECCA WILLIAMS</b> Educator/Mom	
<input type="radio"/> <b>Write-in</b>	
<b>COUNTY</b>	
<b>ASSESSOR/RECORDER/ COUNTY CLERK</b>	
<b>Vote for One</b>	
<input type="radio"/> <b>JORDAN MARKS</b> Chief Deputy Assessor	
<input type="radio"/> <b>BARBARA BRY</b> Chief Financial Officer	

**EN-585-04**

**CITY OF SAN DIEGO**  
**Member of the City Council District No. 6**



**TOMMY HOUGH**  
**San Diego County Planning Commissioner**

The Sierra Club, Supervisor Terra Lawson-Remer, and former Councilmember Harry Mathis all support Tommy Hough for City Council.

Tommy opposes repealing the People's Ordinance and ending free trash pick-up. Tommy is outraged by the Ash Street scandal.

Ash Street cost taxpayers millions. The city's response: raise fees and cut services to pay for their mistake.

Tommy Hough – the candidate special interests fear most!

Downtown lobbyists, developers, public employee unions and special interests are spending hundreds of thousands to stop Tommy.

Put Neighborhoods First!

"Downtown neglects our neighborhoods. Other neighborhoods get libraries, fancy hotels, parks, and open space. We get potholes, cracked sidewalks, and second-rate services. As your councilmember, this will stop!"

Tommy will represent all of us.

Tommy will pave Gold Coast Dr. and fix our streets, stop attempts to rezone south University City and protect single family neighborhoods. He'll stop developers from building on protected wetlands and put more public safety officers on the streets to keep us safe.

A proven fighter for our neighborhoods.

Tommy started San Diego's largest neighborhood/environmental political organization, has fought to protect open space and prevent sprawl, and is the Planning Commission's leading neighborhood advocate.

San Diego County Planning Commissioner  
Tommy Hough  
Putting Neighborhoods First!  
[www.tommyhough.com](http://www.tommyhough.com)

**CITY OF SAN DIEGO**  
**Member of the City Council District No. 6**



**KENT LEE**  
**Nonprofit Executive/Small Business**  
**Advocate**

Smart, Community-Driven Leadership

“As a father of two, my wife and I work long hours to support our family. I understand the hardships our community endures at the pump, grocery store, and in keeping a roof over our heads. Overcoming these tough economic times requires trusted leadership. San Diego gave me the ability to succeed, and that’s why I’ve devoted my life to public service.” – Kent Lee

Endorsed by a broad coalition including:

- Congressman Scott Peters
- San Diego Regional Chamber of Commerce
- State Senator Toni Atkins
- Mayor Todd Gloria
- San Diego & Imperial Counties Labor Council
- City Council President Sean Elo-Rivera

Kent’s Top Priorities:

- Reduce homelessness with proven collaborative, people-centered solutions
- Make housing more affordable for working families
- Ensure tax dollars are reinvested into our community’s streets, libraries, and parks
- Invest in fire safety and law enforcement to keep our communities safe

Kent’s Community Leadership Experience:

- 15+ years as a nonprofit executive, successfully managing multi-million dollar budgets
- 9+ years of Community Planning Group service, improving quality of life and protecting our community
- 6+ years serving as Treasurer of the Asian Business Association, advocating on behalf of small businesses and economic growth

[www.kentleeforsd.com](http://www.kentleeforsd.com) / Kent’s Cell: 858-877-3898

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<input type="radio"/> <b>MIKE MURPHY</b> Deputy Attorney General	<input type="radio"/> <b>DAN MCALLISTER</b> San Diego County Treasurer-Tax Collector
<b>JUDGE OF THE SUPERIOR COURT OFFICE NO. 36</b>	<b>CITY</b>
<b>Vote for One</b>	<b>CITY OF SAN DIEGO</b>
<input type="radio"/> <b>PETE MURRAY</b> Attorney/Criminal Prosecutor	<b>MEMBER, CITY COUNCIL</b>
<input type="radio"/> <b>PETER SINGER</b> Superior Court Commissioner, County of San Diego	<b>DISTRICT NO. 8</b>
<b>SCHOOL</b>	<b>Vote for One</b>
<b>STATE SUPERINTENDENT OF PUBLIC INSTRUCTION</b>	<input type="radio"/> <b>VIVIAN MORENO</b> Councilmember
<b>Vote for One</b>	<input type="radio"/> <b>ANTONIO MARTINEZ</b> Congressional Community Representative
<input type="radio"/> <b>LANCE RAY CHRISTENSEN</b> Education Policy Executive	
<input type="radio"/> <b>TONY K. THURMOND</b> Superintendent of Public Instruction	
<input type="radio"/> <b>Write-in</b>	
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<b>SHERIFF</b>	
<b>Vote for One</b>	
<input type="radio"/> <b>JOHN HEMMERLING</b> Chief Criminal Prosecutor	
<input type="radio"/> <b>KELLY ANNE MARTINEZ</b> Undersheriff	

**EN-722-04**

**CITY OF SAN DIEGO**  
**Member of the City Council District No. 8**



**ANTONIO MARTINEZ**  
**Congressional Community Representative**

Congressman Juan Vargas and the San Ysidro Education Association support Antonio Martinez.

**The Change We Need.**

“Our neighborhoods have been neglected. Other parts of town have new parks, clean streets, and first-rate services. But we have crime, pothole-filled streets, and parks covered in graffiti.”

“At city hall, I’ll fix our roads, build affordable housing, open more parks, and hire more first responders to protect our families.”

- Antonio Martinez

**Already Fighting for Us.**

Antonio is a Community Representative for Congressman Juan Vargas, and serves on the San Ysidro School Board.

Working with first responders, Antonio helped ensure vaccines and medical supplies were delivered throughout the community.

Antonio built new classrooms, fought for better wages for teachers and school staff, and raised student test scores.

Antonio worked with public safety to curb gang violence in the schools. On the City Council, he will fight for more funding for first responders.

“Antonio Martinez works day and night making sure our community has the resources it needs to prosper. I’m confident he’s ‘The Change We Need’ at city hall and I’m proud to support him!”

- Congressman Juan Vargas

Antonio Martinez for City Council. The Change We Need.

[www.antoniomartinezsd.com](http://www.antoniomartinezsd.com). 619-806-0828

**CITY OF SAN DIEGO**  
**Member of the City Council District No. 8**



**COUNCILMEMBER VIVIAN MORENO**

“I was born and raised in the South Bay. My Dad repaired trucks in the logistics industry and my Mom managed a fast-food restaurant. They taught me to always work hard and never give up.”

-Vivian

Vivian fights hard for our fair share of services, housing that families can afford, and solutions to homelessness.

Vivian fought for funding to:

- Fix our streets and sidewalks: 143 miles of our streets were repaired since 2017 (41% of all District 8 streets)
- Prevent crime through community policing
- Build more parks and playgrounds for our kids: Vivian pushed forward 8 park projects including Southwest Park in Nestor, Beyer Park in San Ysidro, three Mini-Parks in Logan Heights, and Dennery Ranch, Hidden Trails and Riviera Del Sol parks in Otay Mesa

Vivian fought for housing families can afford:

- Distributed \$177 million in rental assistance to 16,000 needy families
- Pursued innovative reforms to build more housing
- Promoted homeownership by proposing a middle-income, first-time homebuyer program

Vivian is fighting for solutions to homelessness, more shelter, supportive housing, and addiction and mental health treatment.

“We owe it to those suffering from homelessness to help them get off the street; the quality of life in our neighborhoods depends on it.”-Vivian

VivianMorenoSD.Com

619-354-9843

Vivian@VivianMorenoSD.com

# CITY OF SAN DIEGO

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

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## MEASURE B

**AMENDS SAN DIEGO MUNICIPAL CODE SECTION 66.0127 RELATED TO SOLID WASTE MANAGEMENT SERVICES:** Shall the San Diego Municipal Code be amended so that all City residents receive comparable trash, recycling, and other solid waste management services, by allowing the City to recover its cost of providing these services to eligible residential properties, which could allow the City to provide additional services, such as weekly recycling, bulky item pickup, and curbside container replacement and delivery, at no extra charge?

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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 Municipal Code section 66.0127, Related to Solid Waste Management Services, commonly known as the People's Ordinance.

#### BALLOT SUMMARY

This measure would amend the law commonly known as the People's Ordinance found in San Diego Municipal Code section 66.0127. The People's Ordinance governs solid waste management services in the City of San Diego (City), which include the collection, transfer, transportation, recycling, and disposal of solid waste such as trash, recyclables, organic waste, and other waste.

City voters adopted the People's Ordinance as a citizens' initiative in 1919, which required the City to collect all "refuse," now generally referred to as "solid waste," generated within City limits. The People's Ordinance authorized the City to impose a fee to specifically cover the cost of collection, transportation, and disposal of such waste, which it never did.

In 1981, and again in 1986, City voters amended the People's Ordinance to limit the amount of commercial and industrial waste the City was required to collect, and to prohibit the City from charging a fee to properties that received City-provided solid waste management services, among other changes. Properties not eligible for City-provided solid waste management services arrange and pay for the cost of their own solid waste management services.

This measure asks voters to consider a third amendment to the People's Ordinance that, if adopted, would clarify eligibility and allow the City to charge a fee for City-provided solid waste management services to eligible single family residential properties and multi-family residential properties with up to four residences on a single lot.

Although this measure does not create or approve a fee for solid waste management services, it does allow the City Council to adopt a fee in the future. Under state law, the City Council would consider the imposition of any related City fee at a public meeting and any City fee could not exceed the City's cost of providing the services.



## **BALLOT SUMMARY (CONTINUED)**

The People's Ordinance currently allows the City to enter private property to provide solid waste management services in an emergency. This amendment would allow the City to also enter private property to assist a resident under the Americans with Disabilities Act; for example, the City could help a resident with disabilities move trash collection bins to the curb. The amendment would also clarify the City's authority to provide solid waste management services to City facilities, parks, beaches, and other City-managed properties.

The City Council placed the measure on the ballot. The measure will pass if it is approved by a majority vote of those qualified voters who vote on the measure. The amendments would take effect after the results of the election are certified by a resolution of the City Council.

### **CITY ATTORNEY IMPARTIAL ANALYSIS**

In 1919, City of San Diego (City) voters approved a citizens' initiative known as the People's Ordinance, which required the City to collect all "refuse," now generally referred to as "solid waste," generated within City limits, and to impose a fee to cover the cost of providing collection, transportation, and disposal of solid waste, which it never did. City voters later amended the People's Ordinance to prohibit the City from charging a fee to properties that received solid waste management services from the City.

Today, the People's Ordinance requires the City to collect, transport, and dispose of solid waste from certain residential properties at least once each week and prohibits the City from charging a fee for these services. Solid waste includes trash, recyclables, organic waste, and other waste. The People's Ordinance also prohibits the City from collecting nonresidential waste, which includes commercial and industrial waste, except under limited circumstances, and generally prohibits the City from entering private property to provide solid waste management services except in a public emergency.

Under existing law, eligible residential properties receive City-provided services funded by the City's General and Recycling Funds, whereas properties not eligible for City-provided solid waste management services must arrange and pay for the cost of their own services.

If adopted, this measure would amend the language in the People's Ordinance to clarify eligibility and authorize the City to charge a fee for City-provided solid waste management services to eligible single family residential properties and multi-family residential properties with up to four residences on a single lot.

This measure would allow the City Council to establish a fee for City-provided solid waste management services at a future date. Before the City could adopt a fee, the City would be required to conduct a study to determine the City's cost to provide the services. Under state law, the fee charged by the City could not exceed the City's cost to provide the services and would be adopted at a public meeting. Any proposed fee would be subject to the majority protest procedures under the California Constitution and would require City Council approval, through the same procedures used for sewer or water rate increases. The fee could include extra related services or materials such as replacement containers.

The measure would clarify that the City may provide solid waste management services, to City facilities, parks, beaches, and City-managed property, using City employees or hired contractors.

The measure would allow the City to enter private property to assist residents with solid waste management services under the Americans with Disabilities Act and would delete outdated language regarding hold harmless agreements and disposal fees.

This measure was proposed by members of the City Council, who 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 STATEMENT

### MEASURE B – AMENDS SAN DIEGO MUNICIPAL CODE SECTION 66.0127 RELATED TO SOLID WASTE MANAGEMENT SERVICES

This measure amends San Diego Municipal Code Chapter 6, Article 6, Division 1, Section 66.0127, also known as the People's Ordinance, to provide the City the option to recover City costs for solid waste management services. This could relieve the City's General Fund which currently covers the majority of these costs in addition to services like public safety, roads, parks, and libraries. The measure also recodifies the City's responsibilities for waste management services. Passage of this measure would not immediately change any services or service levels, nor would it expand or shrink the number or types of residences currently receiving solid waste services from the City.

This measure alone will not impose any fees. The measure would only allow the City to charge a fee for solid waste services, as the municipal code currently prohibits this practice. Any fee that the City would levy for solid waste services would be prohibited from exceeding the cost to provide services, and would follow the Proposition 218 process, including development of a Cost of Service Study, public noticing, and a public hearing on the fee prior to approval. This process mirrors the process the City conducts for Water and Wastewater rates.

The Cost of Service Study would ultimately determine what fees could be levied, and would consider current costs as well as potential service level enhancements or other changes. The study would also determine a fee structure, as well as how low income or other discount programs, if any, would be structured. This process is expected to take approximately two years, and may cost the City approximately \$1 million to complete. The study itself would be conducted by a consultant selected through a competitive bidding process.

While the fee is still to be determined, and while this measure does not impose a fee, it is reasonable to assume that at some point residents currently receiving solid waste services from the City would be charged a fee. According to City staff, up to approximately \$79.2 million in costs in the FY 2023 Adopted Budget could be covered by a fee if such a fee were currently allowed. This includes \$58.7 million from the General Fund, which could be redirected to other core services such as public safety, parks and libraries. A best estimate of what this fee would be at this time, assuming the City only recovers costs for services it currently provides and potential costs to bill and collect fee revenue, ranges from \$23 to \$29 per month per customer. This range is similar to the fees charged by other peer cities that offer similar services (see IBA Report 21-23 at <https://www.sandiego.gov/sites/default/files/iba-report-21-23.pdf>). Given that a Cost of Service Study could take several years to complete, and the costs to provide this service may increase over the next several years, the actual fee levied could be higher. Conversely, if the City elects to subsidize some portion of the costs to provide solid waste services, the actual fee levied could be lower.

# ARGUMENT IN FAVOR OF MEASURE B

## Measure B fixes an unfair law from 1919

San Diego operates under a 103-year old law that created a deeply unfair, fiscally irresponsible, and environmentally unsustainable system. If your home is an apartment or condo, the city provides you no trash collection service. You are forced to pay for it yourself.

This outdated law also severely limits the types of services the city can provide, forcing homeowners to go through an expensive and time-consuming process to replace broken trash bins even when broken by City trucks.

San Diego is the only city in the country with such a law. It hurts all San Diegans and must be changed.

Measure B will fix this broken and unfair system so San Diego can start delivering better services for all of us, like bulky item pickup and free replacement of broken trash bins.

### Voting YES vote on Measure B will:

- Guarantee free trash and recycling bins, delivered to you by the City.
- Allow the City to provide new trash services, such as bulky item pickup and weekly recycling.
- Provide additional resources to clean up trash in public places such as parks, canyons and around homeless encampments.
- End the practice of forcing apartment residents to pay more than others.
- Ensure short-term vacation rentals and “mini-dorms” pay their fair share toward City services like everyone else.
- Enable San Diego to achieve our Zero Waste and Climate Action Plan goals.

With Measure B, we can all do our part to ensure San Diegans receive the world-class public services they expect and deserve.

### Vote YES on Measure B!

SEAN ELO-RIVERA  
San Diego City Council President

JOE LACAVA  
San Diego City Councilmember

NICOLE CAPRETZ  
Founder & CEO, Climate Action Campaign

KIM KNOX  
President, League of Women Voters of San Diego

# **ARGUMENT AGAINST MEASURE B**

## **STOP THE GARBAGE TAX** **COSTS \$350-500 PER YEAR** **DON'T LET POLITICIANS CHARGE YOU TWICE**

Be careful! City politicians are trying to fool voters into approving Measure B by putting a misleading ballot title on it. Measure B is actually a massive tax hike.

### **We Can't Afford Another Tax Hike**

If Measure B passes, city politicians will be able to charge twice for trash service — costing you \$350-500 more per year!

Specifically, Measure B amends the Municipal Code, replacing “there shall be no City fee ... charged for [trash] service” with “the City may charge” a fee.

San Diegans already have one of the highest cost of living burdens in the nation and we should not be adding to the existing burdens of working families with this costly Garbage Tax.

### **You Already Pay for Trash Services**

Politicians say trash services are currently “free” — but that is completely false. In fact, voters passed the People's Ordinance in 1919 to direct the City to earmark a portion of existing property tax revenues to provide the service. This policy of using your existing tax assessment for trash service was reaffirmed by voters in 1981 and 1986.

If Measure B passes, San Diegans will in essence be charged twice for trash service.

### **Politicians Should Repeal Their Unfair Policy**

Politicians say it's “unfair” that some developments in the city are required to pay for private trash service while single family homes get use of the city's trash service. We agree — but it was the city politicians themselves that imposed this so-called unfair policy on those developments. If they want to restore “fairness” all they need to do is go back to complying with the People's Ordinance for all properties — as voters originally intended.

## **VOTE NO ON MEASURE B**

RICHARD RIDER  
Chairman, San Diego Tax Fighters

CARL DEMAIO  
Chairman, Reform California

BRIAN JONES  
State Senator

SCOTT SHERMAN  
Former Chair, City of San Diego Audit  
Committee

# FULL TEXT OF MEASURE B

## ARTICLE 6: Collection, Transportation and Disposal of Refuse and Solid Waste

### Division 1: Refuse

#### §66.0127 ~~Refuse Collection~~ Solid Waste Management Services

(a) Purpose. *Solid waste* management, including the *collection* and subsequent *transfer, transportation, and recycling or disposal of solid waste*, affects the health, safety, welfare, and quality of life of *City* residents, and affects the local environment. The purpose of section 66.0127 is to set forth the authority of the *Council* and the *City Manager* with respect to *solid waste management services* provided in the *City*. The purpose of section 66.0127 is also to set forth the policy governing *solid waste management services* provided by the *City*. As used in this People's Ordinance:

(1) ~~“Refuse” means waste material of any nature or description generated within the City limits, excluding hazardous or toxic chemicals, wastes, materials or substances as defined now or hereafter by federal or state law or regulation;~~

(2) ~~“Residential Refuse” means refuse, as defined herein, normally generated from a Residential Facility and which is placed at the curb line of public streets at designated times in approved containers;~~

(3) ~~“Nonresidential Refuse” means all refuse that is not Residential Refuse, as defined herein;~~

(4) ~~“Residential Facility” means a single family or multi family residential structure used and occupied for Nontransient Occupancy;~~

(5) ~~“Nontransient Occupancy” means occupancy through ownership, lease or rental for periods of one month or more.~~

(6) ~~“Small business enterprise” means a commercial establishment providing sales and services to the public and licensed or taxed by the City.~~

(b) Definitions. For purposes of section 66.0127, defined terms appear in italics. The following definitions apply to section 66.0127:

*City* has the same meaning as in San Diego Municipal Code section 66.0102.

*City forces* means City of San Diego employees. *City forces* does not include *City* contractors or *City* franchisees.

*City Manager* has the same meaning as in San Diego Municipal Code section 66.0102.

*Collect* or *Collection* means to take physical possession of and transport *solid waste*.

*Council* has the same meaning as in San Diego Municipal Code section 66.0102.

## FULL TEXT OF MEASURE B (Continued)

Disposal or Dispose means the final deposit or placement of any solid waste at a permitted landfill or other permitted solid waste disposal facility. Disposal does not include the deposit or placement of solid waste intended for recycling.

Ineligible property means all real property that is not residential property. Ineligible property includes commercial, governmental, institutional, industrial or non-profit facilities, hotels, motels, inns, gated communities, and mixed-use facilities.

Multi-family residential property means two or more residences on a single lot.

Recycling means the process of separating solid waste for collection, and collecting, treating, and reconstituting solid waste that would otherwise be discarded without receiving compensation, and returning it to the economy in the form of raw materials for new, reused, or reconstituted products. The collection, transfer, transportation, or disposal of solid waste not intended for, or capable of reuse, is not recycling.

Residential property means a single-family residential property or a multi-family residential property, with up to four residences on a single lot, that meets City requirements for collection by City forces.

Residential solid waste means solid waste, of the type and quantity normally generated by a residential property, that is placed at the designated collection point at the curb line of a City public street or City public alley in a City-approved curbside collection container on the designated collection day.

Single-family residential property means one residence on a single lot.

Solid waste means putrescible and nonputrescible solid and semi-solid waste including garbage, trash, refuse, rubbish, construction and demolition waste, metallic discards, organic waste, animal solid or semi-solid waste, and other solid or semi-solid waste. Solid waste does not include hazardous waste, hazardous substances, or medical waste.

Solid waste management services means services such as collection, transfer, transportation, recycling, and disposal of solid waste. Solid waste management services includes providing City-approved curbside collection containers.

- (bc) General. No person shall ~~collect~~collect, transfer, transport, recycle or ~~dispose~~dispose of any ~~refuse~~solid waste except as provided ~~herein~~ in section 66.0127.
- (ed) Council Authority. The ~~City Council~~Council shall by ordinance ~~regulate and control the collection~~collection, transfer, transportation, recycling, and ~~disposal~~disposal of all ~~refuse~~solid waste in the City provided that:
- (1) Services. ~~Residential Refuse shall be collected, transported and disposed of by the City at least once each week.~~ City forces shall collect and transport residential solid waste for transfer, transport, and recycling or disposal and there shall be no City fee imposed or charged for this service by City forces; the City may charge a cost-recovery fee, as allowed by law, for all solid waste management services.

## FULL TEXT OF MEASURE B (Continued)

- (2) Exclusions. The City shall not ~~collect~~collect Nonresidential Refuse solid waste from ineligible property, except that:
- (A) Nonresidential Refuse from a small business enterprise may be collected by City Forces if authorized by the City Council and limited to once a week serviceAt least once each week, City forces may, at the City Manager's discretion, collect residential solid waste from residential property used for nonresidential purposes if such residential property generates solid waste in an amount no greater than ~~one hundred fifty percent (150%)~~ percent of the ~~refuse~~ solid waste generated by an average ~~City~~City residential property, residential dwelling unit. There shall be no City fee imposed or charged for this service by City forces. The City may transport, transfer, and recycle or dispose of such solid waste; and the City may charge a cost-recovery fee, as allowed by law, for solid waste management services provided to that residential property;
- (B) The City may provide solid waste management services, through City forces or outside contractors, to City facilities, parks, beaches, and other property owned by the City or leased by the City from others.
- (3) Private Property. The ~~City~~City shall not enter upon any private property or any property of another public agency to ~~collect any refuse~~ provide solid waste management services, except in the case of a public emergency or to provide City-approved assistance under the Americans with Disabilities Act to a resident or pursuant to a hold harmless agreement in effect as of the date of adoption of this ordinance; in which case the City may do so at the City Manager's discretion.
- (4) ~~Fees established by ordinance of the City Council for disposal of Nonresidential Refuse shall not exceed the full ascertainable cost to the City for such disposal.~~
- (b)-(e) City Manager Authority. Pursuant to the ordinance duly adopted by the City Council ~~Council~~, the ~~City Manager~~City Manager may then duly promulgate such is authorized to establish rules, and regulations, and requirements as are appropriate to provide for the collection, transportation and disposal of refuse solid waste management services within the City and by the City.

# CITY OF SAN DIEGO

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

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## MEASURE C

### **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 of San Diego (City). Zoning laws in the Municipal Code would still regulate building height.

In 1972, voters in the City approved a citizens' initiative measure that limited the height of buildings to 30 feet in the Coastal Zone (Height Limit Ordinance). Voters adopted the original language of the Height Limit Ordinance and are asked in this measure to consider an amendment to that law.

As defined in the Height Limit Ordinance, 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 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 measure.

On November 3, 2020, the Height Limit Ordinance was amended by a majority of the City's voters, as Measure E, for the Midway-Pacific Highway Community Plan area (Measure E) and codified as Municipal Code section 132.0505(b)(4). A court entered a judgment granting a writ of mandate in Case No. 37-2020-00030308-CU-TT-CTL invalidating all of the City's approvals to place Measure E on the November 3, 2020 ballot (Superior Court Decision). The City has appealed the Superior Court Decision and does not expect to receive a decision before the election on November 8, 2022. The City Council has approved to place the measure again before the voters.



## **BALLOT SUMMARY (CONTINUED)**

If approved by a majority vote of qualified voters who vote on the measure, this measure would amend the Municipal Code to change the height limit in the Midway-Pacific Highway Community Plan area. The amendments would take effect after the City Council certifies the results of the election. The measure includes language making the measure ineffective if a court reverses the Superior Court Decision on the previous Measure E and there are no further appeals related to Measure E.

### **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. Because 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.

The measure is similar to the amendment approved by a majority of the City's voters in November 2020 (Measure E), which was invalidated by a Superior Court decision. The City has appealed the Superior Court decision and does not expect to receive a decision before the election on November 8, 2022. The City Council has approved to place the measure again before the voters.

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 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 City Council certifies the election results. The measure includes language making this measure ineffective if a court reverses the Superior Court decision on the previous Measure E and there are no further appeals. If a court reverses the Superior Court decision, Measure E will be in effect instead.

## FISCAL IMPACT STATEMENT

### MEASURE C – REMOVING 30-FOOT HEIGHT LIMIT IN MIDWAY-PACIFIC HIGHWAY COMMUNITY PLAN AREA

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.

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 C

DEMOCRATS AND REPUBLICANS AGREE -  
VOTE YES ON C!

LET'S CREATE HOMES AND JOBS, REVITALIZE MIDWAY, MODERNIZE SPORTS ARENA

Measure C will create thousands of affordable homes and good paying jobs, revitalize the dilapidated Midway area, and create a vibrant neighborhood San Diego families can finally enjoy: A modern Sports Arena. Public parks. Millions in funding for San Diego schools and overdue infrastructure repairs – without raising taxes.

## 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 C applies ONLY to the Midway community and keeps the 30-foot building height limit in place for coastal communities. Let's fix the mistake that has been holding our Midway neighbors back and finally give them a chance to thrive.

## NEW SPORTS ARENA & ENTERTAINMENT HUB

Measure C 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.

## MORE HOUSING AND COMMUNITY INVESTMENT

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 more homes, new parks, local jobs, and advance our climate goals.

## AN ECONOMIC BOOST SAN DIEGO NEEDS

Measure C moves forward already approved community investments including:

- Affordable and middle-class homes 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

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.

CHRIS CATE  
Councilmember

DIKE ANYIWO  
Midway-Pacific Highway Community  
Planning Group

TODD GLORIA  
Mayor

NICOLE CAPRETZ  
Executive Director Climate Action Campaign

DAVE GAUTHIER

President San Diego Building & Construction Trades Family Housing Corporation

# ARGUMENT AGAINST MEASURE C

## KEEP OUR COAST OPEN AND ACCESSIBLE STOP CORRUPT BACKROOM DEALS

Be careful! City politicians are trying to fool voters into approving Measure C by putting a misleading ballot title on it. Measure C will increase congestion, block coastal views and access, and unfairly benefit developers and special interests at a cost to taxpayers.

### Save Open and Accessible Beaches

In 1972 citizens created the coastal zone height-limit law to establish our right to open and accessible beaches.

Measure C is a scheme that unravels that hard-won legal right.

Measure C allows dense construction of expensive residential towers within the coastal zone. Measure C is part of a larger plot by developers to dismantle the height-limit along San Diego's entire coastline. Measure C is about forcing high-rise redevelopment into existing beach neighborhoods.

### Stop Sweetheart Deals for Special Interests

City politicians put this measure on the ballot to reward their developer and special interest friends with lucrative contracts and development deals. These sweetheart development deals and contracts come at a massive cost to taxpayers!

### Prevent Freeway Congestion and Wasting Public Land

Measure C means worse freeway congestion, overloaded beach access roads, and less parking.

The Community Plan for this project's area includes 980 acres of public land and public rights-of-way. Measure C is about forcing high-rise redevelopment onto these public land parcels. By defeating Measure C we can insist on a better plan that balances reasonable development with recreation areas and a restored stretch of San Diego River for kayak and paddleboard journeys to San Diego Bay. This can only happen if we vote NO on Measure C.

**SAY NO TO BEACH BARRICADES!  
VOTE NO ON MEASURE C**

CAROLYN CHASE  
Earth Day Mom

PHILLIP HALPERN  
San Diego Character

JOHN MCNAB  
President, Save Our Access

CARL DEMAIO  
Chairman, Reform California

# FULL TEXT OF MEASURE C

## 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;
  - (2) that the 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;
  - (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; 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-21220, a copy of which is on file with the City Clerk
  - (5) 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.

## FULL TEXT OF MEASURE C (CONTINUED)

- (c) The base of measurement of the height shall be in accordance with the Uniform Building Code of 1970.
- (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~~5~~), 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.

**Editor's Note:** Amendments adopted by O-21508 N.S.; effective \_\_\_\_\_ shall sunset if a court reverses the Superior Court decision in Case No. 37-2020-00030308-CU-TT-CTL on the 2020 Ballot Measure E and there are no further appeals.]

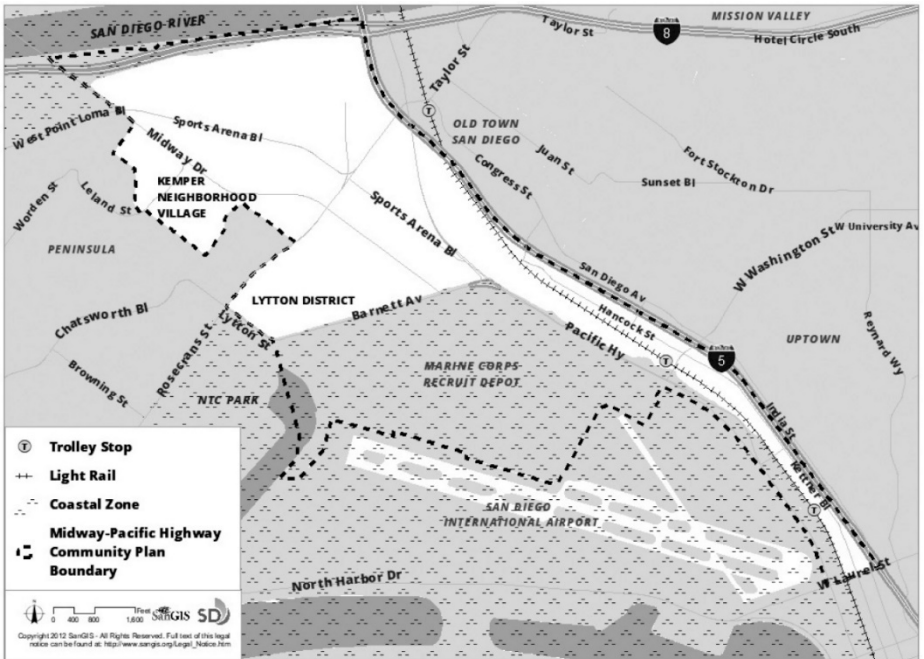
(The Midway-Pacific Community Plan area is shown on a map attached to this Ordinance as Exhibit A, and incorporated by reference here, and which will be published in the voter pamphlet as part of this measure.)

# FULL TEXT OF MEASURE C (CONTINUED)

## Exhibit A

The Ordinance would submit to the qualified voters of the City of San Diego, at the Municipal Election Consolidated with the California State General Election to be held on November 8, 2022, 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.



# CITY OF SAN DIEGO

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

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## MEASURE D

**CONTRACTING UPDATES. PROJECT LABOR AGREEMENTS FOR STATE FUNDING ELIGIBILITY:** Shall the San Diego Municipal Code be amended to provide that the City of San Diego may preserve its ability to receive State infrastructure funding by allowing the use of Project Labor Agreements on City Construction Projects; requiring provisions in the agreements to prohibit employment discrimination and ensure open competition; expanding public disclosure; tracking local hiring requirements; and establishing a Citizens' Oversight Board?

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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 San Diego Municipal Code sections 22.4401 through 22.4406 and 22.4408 related to the use of project labor agreements on City of San Diego construction projects.

#### BALLOT SUMMARY

In 2012, City of San Diego (City) voters passed Proposition A, the "Fair and Open Competition in Construction Ordinance," which enacted Chapter 2, Article 2, Division 44 of the San Diego Municipal Code (Municipal Code). Proposition A prohibited the City from requiring a contractor to enter into a project labor agreement (PLA) as a condition of bidding, negotiating, or being awarded a City construction project, unless required by state or federal law as a contracting or procurement obligation, or as a condition for receiving state funding or financial assistance. A PLA is a prehire, collective bargaining, or similar type of project specific labor agreement between a contractor and a labor organization establishing terms and conditions of employment for a specific construction project or projects. Proposition A can only be amended by a vote of the people of the City.

State law prohibits a charter city, like the City, from receiving state funding or financial assistance for any construction project if the charter city adopted a law that prohibits or limits use of a PLA drafted to include provisions that prohibit discrimination; permit qualified contractors to bid and win contracts whether or not the contractor is party to a collective bargaining agreement; and require protocols concerning drug testing, guarantees against work stoppages and other disruptions, and dispute resolution by a neutral arbitrator.

This measure will amend the Municipal Code to allow the City to use PLAs for construction projects. The measure requires the City to post construction contracts valued at over \$10,000 and demographic information for PLAs on its website, and establishes a citizens' advisory board to review construction contracts. The measure also allows City Council to amend the Municipal Code language if state law changes in the future.



## CITY ATTORNEY IMPARTIAL ANALYSIS

This measure would amend the San Diego Municipal Code (Municipal Code) to allow the City of San Diego (City) to use project labor agreements (PLA) on construction projects. The Municipal Code defines a PLA as any prehire, collective bargaining, or similar type of project specific labor agreement entered into with one or more labor organizations, employees, or employee representatives that establishes terms and conditions of employment for a specific construction project or projects. This measure would affect City projects involving construction, rehabilitation, alteration, conversion, extension, maintenance, repair, replacement, or improvement of any City structures or land.

State law does not allow state funding or financial assistance for local construction projects in charter cities, like the City, if a local law prohibits that city from using or considering the use of a PLA. Under state law, PLAs must include provisions that prohibit discrimination; permit qualified contractors to bid and be awarded contracts regardless of whether it is party to a collective bargaining agreement; address drug testing; guarantee against work stoppages, strikes, lockouts, and disruptions; and provide for dispute resolution by a neutral arbitrator. In 2012, City voters approved Proposition A, a citizens' initiative titled "Prohibits the City from Requiring Project Labor Agreements on City Construction Projects." Proposition A amended the Municipal Code to prohibit the City from requiring a PLA on City construction projects except when a PLA was required by state or federal law or as a condition of the City receiving state or federal funds. This measure would clarify any ambiguity, uncertainty, or potential conflict between the Municipal Code and California law by making clear that the City may use PLAs on City construction projects in accordance with California law.

As adopted by Proposition A, the Municipal Code currently requires the City to post all City construction contracts valued at more than \$25,000 on the City's website. This measure would increase reporting requirements by requiring the City to post on its website all City construction contracts valued at more than \$10,000 as well as demographic information for workers on a construction project that utilizes a PLA.

The measure also directs City Council to create a citizens' advisory board to review construction projects for compliance with the Municipal Code amendments proposed by this measure.

The measure can only be repealed by a majority of City voters. The measure allows the City Council to amend the Municipal Code to comply with changes in the California Constitution or state law concerning use of PLAs. All other amendments must be approved by a majority of City voters.

This measure was proposed by members of the City Council, which voted to place it on the ballot. If approved, the Municipal Code amendments would take effect after the City Council certifies the results of the election in a resolution.

## FISCAL IMPACT STATEMENT

### **MEASURE D - CONTRACTING UPDATES. PROJECT LABOR AGREEMENTS FOR STATE FUNDING ELIGIBILITY**

In addition to several other provisions, this ballot measure removes the June 2012 Proposition A directive prohibiting the City from requiring use of project labor agreements (PLAs) except when required as a contracting obligation or other condition of State or federal funding for City construction projects. This current measure removes the 2012 PLA prohibition but does not mandate use of PLAs.

## FISCAL IMPACT STATEMENT (CONTINUED)

Current State law prohibits a charter city from receiving State funding or financial assistance for any construction project if a charter provision, initiative, or ordinance limits that city's ability to require or use a PLA that includes certain State-mandated provisions. As a charter city, San Diego's 2012 PLA prohibition may expose the City to loss of State funds for construction projects, though to date there has been no such loss of State funds. The City has relied on the 2012 prohibition's exception to continue pursuing State funding for projects, but it is unclear whether courts would rule that the City's exception to the PLA prohibition is sufficient for continued State funding eligibility. Major State funding and loans awarded to the City for construction projects in fiscal years 2021 and 2022 were approximately \$123.4 million and \$697.0 million.

Uncertainty surrounding the 2012 Proposition A directive also raises the risk of litigation costs and related project delays. The only significant litigation to date was regarding certain labor requirements approved in 2018 for the City's Pure Water Phase 1 project. This litigation was filed in 2019, and a preliminary injunction ruling found the City violated the intent of Proposition A. The litigation resulted in City payment of a \$200,000 settlement and an estimated 4% project cost increase (based on historical trends) due to the 18-month delay.

Whether use of a PLA on a construction project would increase the overall cost of the project is debated. Some studies indicate PLAs increase project costs, while others conclude that PLAs do not increase, or may decrease, project costs. Certain common PLA requirements that may impact costs – such as payment of prevailing wages – are already required by the City regardless of whether a project has a PLA. Any PLA-related costs will depend on the magnitude and number of PLAs used for future City construction projects, which are currently unknown.

Given uncertainty regarding potential PLA impacts on overall project costs, the measure not mandating PLA use, and the unknown magnitude and number of future projects using PLAs, the fiscal impact of potentially adopting PLAs on future projects cannot be reasonably projected.

Lastly, software costs related to this measure's requirement to post PLA project demographic data and hours worked are expected to be **less than \$100,000 annually**. An undetermined cost for related collection efforts may also be incurred. There is also a requirement for a citizens' oversight board, preliminarily estimated to cost **\$175,000 annually**, depending on the duties of the Board as determined by the City Council.

# ARGUMENT IN FAVOR OF MEASURE D

## Yes On D - Safeguard San Diego Infrastructure

Measure D delivers for San Diego by helping protect our state infrastructure funds, requiring public disclosure of city contracts, and creating good jobs for local workers struggling in today's economy.

San Diegans are coming together behind Measure D: Taxpayer Watchdogs and Labor. Climate Advocates and NAACP leaders. Mayor Todd Gloria and San Diego Firefighters. Here's why:

### Measure D Helps Protect San Diego From Losing Millions In State Funding

Changes to California law threaten San Diego's ability to keep receiving state funds to fix roads and improve safety – over \$123.4 million/year according to the Independent Budget Analyst. Measure D aligns city contracting rules with state law so we don't leave a single dollar on the table.

### Measure D Demands Public Disclosure Of City Contracts

Measure D adds long overdue transparency and accountability safeguards. It requires public disclosure of who gets city contracts, citizen oversight to expose waste, and strict tracking of local hiring so we can prioritize local San Diegans before out-of-state workers for local jobs.

### Measure D Cracks Down On Employment Discrimination In City Construction

By requiring tough anti-discrimination provisions and lifting an outdated ban on union protections, Measure D gives workers the fair shot and fair wages they deserve. And Measure D opens the door for more much-needed apprenticeship training opportunities for veterans, women, and youth.

### Measure D Keeps San Diego Ready To Meet Climate Change's Major Threats

San Diego depends on state funding – over \$746 million so far – to prepare for worsening wildfires and expand our local water supply amid severe drought. Measure D helps protect this critical funding, protecting San Diego from climate change's worst impacts.

### “Vote YES on D!”

- Councilmember Stephen Whitburn, Sierra Club San Diego, San Diego Taxpayers Advocate Scott Barnett, Congressman Scott Peters, Senator Toni Atkins, and more at [VoteYesOnD.com](http://VoteYesOnD.com).

JESSE CONNER  
President  
San Diego City Firefighters Association

PAT ZAHAROPOULOS  
President-CEO  
SD Middle Class Taxpayers Association

RAUL CAMPILLO  
San Diego City Councilmember

FRANK JORDAN  
President Emeritus  
California Conference of the NAACP

MAYOR TODD GLORIA

## ARGUMENT AGAINST MEASURE D

In a time of high inflation, Measure D would increase costs to city residents, discriminate against local and minority craft workers, and send taxpayer dollars to Los Angeles contractors.

In 2012, City voters overwhelmingly approved a ballot measure to implement Fair and Open Competition for taxpayer-funded construction projects while protecting access to state infrastructure funds.

Ever since voters approved this ballot measure, the city has not lost out on any state funding and has saved taxpayer funds through the reduced cost of city projects.

Measure D would overturn this election outcome and jeopardize the amount of funding available for critical services such as public safety, infrastructure, and investments in clean water and energy.

Measure D would also restrict Fair and Open Competition by discriminating against 80% of the local construction workforce, including underrepresented minority workers, by allowing backroom deals that benefit only 20% of the workforce.

Measure D also discriminates against local apprenticeship programs, such as those sponsored by the National Black Contractors Association, which would be shut out of working on city projects.

Measure D hurts local hires and displaces thousands of craft workers who pay taxes and deserve the opportunity to build projects in our community.

Measure D undermines collective bargaining and goes around contracts that are already negotiated.

Measure D forces local construction workers to pay into pension funds without receiving the benefit.

Don't be misled by the special interests promoting Measure D. The City's Independent Budget Analyst confirmed in August that San Diego has lost no state funding due to the citizens support for Fair and Open Competition.

Vote NO on city insiders using your tax dollars to overturn a popular citizens' initiative.

Vote NO on raising costs on taxpayers.

Vote NO on Discrimination.

Vote NO on D.

ABDUR-RAHIM HAMEED  
President, National Black Contractors  
Association

CHRIS CATE  
Councilmember, City of San Diego

AL ABDALLAH  
Chief Operating Officer, Urban League of San  
Diego County

BISHOP WILLIAM BENSON  
President, Pastors on Point San Diego

CHARLES DAVIS  
Urban West Development

# FULL TEXT OF MEASURE D

## Article 2: Administrative Code Division 44: Fair and Open Competition in Construction Ordinance

### § 22.4401 Statement of the People's Intent

~~The People of the City of San Diego support~~ City supports the enactment of this Fair and Open Competition in Construction Ordinance because ~~they believe~~ the City should treat union and non-union ~~Contractors~~ contractors equally and not give special advantages to either. All City ~~Construction Project~~ construction project job opportunities should be open equally to both union and non-union workers. Fair and open competition helps the City maximize government efficiency by getting the best quality work for the best price for the taxpayers. ~~To promote fair and open competition for City Construction Project contracts, the City should not mandate the use of Project Labor Agreements. City Construction Project contracts should be posted online to help citizens evaluate the City's performance in promoting fair and open competition. The People believe these reforms are urgently needed and wish to enact this Ordinance as soon as possible. Public Contract Code sections 2502 and 2503 prohibit a charter city from receiving state funding or financial assistance for any construction project if a charter provision, initiative, or ordinance restrains or limits that city from using a project labor agreement. Proposition A, enacted by the voters in 2012, amended the City's Municipal Code to prohibit the City from using a project labor agreement for a City construction project except when the state requires its use as a condition of funding. The City is at risk of losing state funding for infrastructure projects as a result of provisions in the Municipal Code that restrict the City's use of project labor agreements.~~

This Division ensures state funding eligibility for City construction projects. Loss of state funding for construction projects will result in lost jobs and local revenues. This Division further strengthens accountability and oversight over City public works contracting that is critical to ensure public funds are spent wisely and eliminate waste, fraud, and abuse.

### § 22.4402 Fair and Open Competition — ~~Prohibition on Requiring Project Labor Agreements~~

~~Except as required by state or federal law as a contracting or procurement obligation, or as a condition of the receipt of state or federal funds, the City shall not require a Contractor on a Construction Project to execute or otherwise become a party to a Project Labor Agreement as a condition of bidding, negotiating, awarding or the performing of a contract.~~

The City may use, enter into, or require contractors to enter into, a project labor agreement with labor organizations for construction projects. The following taxpayer protection provisions shall be included in any project labor agreement:

- (a) A non-discrimination clause prohibiting discrimination in hiring and dispatching workers for the construction project based on race, gender, gender expression, gender identity, national origin, religion, ethnicity, sexual orientation, age, disability, political affiliation, or membership in a labor organization.

## FULL TEXT OF MEASURE D (CONTINUED)

- (b) A provision inviting all qualified *contractors* and subcontractors to bid on and be awarded work on the *construction project* without regard to whether they are parties to collective bargaining agreements with a *labor organization*.
- (c) An agreed-upon protocol concerning drug testing for workers who will be employed on the *construction project*.
- (d) Guarantees against work stoppages, strikes, lockouts, and similar disruptions of the *construction project*.
- (e) A dispute resolution clause that requires disputes arising from the *project labor agreement* to be resolved by a neutral arbitrator.
- (f) Enforcement provisions for noncompliance with *project labor agreement* terms and conditions.

### § 22.4403 Fair and Open Contracts - Posting City Construction Project Contracts Online

- (a) To help ensure City compliance with the purposes of this ~~Ordinance~~ Division, the Mayor shall post on the City's website in a searchable format the text of all ~~Construction Project~~ *construction project* contracts entered into by the City valued at more than ~~\$25,000~~ 10,000 in a given fiscal year. The Mayor shall redact any proprietary, trade secret, or otherwise legally privileged or confidential information from contracts prior to posting. For each contract, the Mayor shall note the total number of ~~total~~-bidders who competed for the contract. For any sole source contract, the Mayor shall post a written justification for the sole source determination.
- (b) The City shall post on the City's website the following demographic information for all workers dispatched to a *construction project* under a *project labor agreement*: race, ethnicity, gender, permanent residence zip code, *construction project* hours worked, apprenticeship program affiliation, trade classification, and union affiliation. This information shall be updated monthly for transparency and to allow tracking of local hire requirements.

### § 22.4404 Definitions

For the purpose of this ~~Ordinance~~ Division, the following definitions shall apply:

~~Act~~ shall mean the National Labor Relations Act, Title 29 U.S.C. § 151 – 169.

~~City~~ shall mean and include the City of San Diego, its agencies, corporations, boards, commissions, organizational subdivisions, partnerships, offices, and any other entity that the City of San Diego holds a controlling interest thereof.

~~Construction Project~~ shall mean and include any project paid for in whole or in part out of ~~City~~ City funds for the construction, rehabilitation, alteration, conversion, extension, maintenance, repair, replacement, or improvement of any structures or real property.

## FULL TEXT OF MEASURE D (CONTINUED)

“~~Contractor~~” shall mean and include an owner, developer, *contractor*, subcontractor, material supplier, carrier, or other person or firm engaged in the completion of a *construction project*.

“~~Labor Organization~~” shall have the same meaning ascribed to it as in Section 2 of the National Labor Relations Act (29 U.S.C. §§ 1521-166).

“~~Ordinance~~” means this ~~Fair and Open Competition in Construction Ordinance~~ as codified in the San Diego Municipal Code Chapter 2, Article 2, Division 44.

“~~Project Labor Agreement~~” shall mean any pre-hire, collective bargaining, or similar type of project specific labor agreement entered into with one or more ~~Labor Organizations~~, employees or employee representatives that establishes the terms and conditions of employment on a *construction project*.

### § 22.4405 **Applicability Citizens’ Construction Project Oversight Board**

- (a) ~~The construction of this Ordinance shall be applied by the Mayor and City Council and interpreted judicially so as to most fully implement the Statement of the People’s Intent.~~
- (b) ~~Nothing in this Ordinance shall be construed as prohibiting private parties that may perform work on Construction Projects from voluntarily entering into Project Labor Agreements or engaging in activity protected by law.~~
- (c) ~~Nothing in this Ordinance shall be construed as prohibiting a Contractor from entering into any individual collective bargaining relationship, or otherwise as regulating or interfering with activity protected by applicable state or federal law, including but not limited to, the Act.~~
- (d) ~~To the extent permitted by law, the provisions of this Ordinance shall be effective 30 days from approval of this proposition by the voters. Contracts awarded before this effective date and subcontracts awarded pursuant to such contracts, whenever awarded shall not be governed by this Ordinance.~~

Upon adoption of this Division, the City Council shall establish a Charter section 43(a) citizens’ advisory board named the Citizens’ Construction Project Oversight Board, or modify any existing citizen’s advisory board, to review construction projects for compliance with this Division. The City Council shall establish procedures for how the board will receive, respond, and report on allegations of fraud, abuse, waste, and construction project performance metrics.

### § 22.4406 **No Amendment or Repeal ~~except~~ by a Vote of the People**

This Ordinance Division shall not be amended or repealed except by a majority vote of the voters of the City of San Diego, except that the City Council may amend the Division without voter approval as follows:

## FULL TEXT OF MEASURE D (CONTINUED)

- (a) Amend section 22.4402 in the event the voters of the State of California amend or repeal California Constitution, article I, section 31.
- (b) Amend section 22.4402 to comply with California state law requirements for receiving state funding for *construction projects*.

Any amendments made by the City Council shall be consistent with this Division, and the measure adopting it, to authorize the City to enter into *project labor agreements* or to ensure state funding eligibility for *City construction projects*.

### § 22.4408 Severability

If any provision contained in this Ordinance is held by a court of law of competent jurisdiction to be invalid, or is superseded by a numerically superior vote as provided in Section 2 of the proposition that enacted this Ordinance, the remaining provisions of this Ordinance shall not be affected but shall remain in full force and effect, and to that end the provisions of this Ordinance are severable. If any section or part of this Division is held unconstitutional for any reason or invalidated by a court of competent jurisdiction, that holding shall not affect the validity of the remaining portions of this Division, which will remain in full force and effect.



# CITY OF SAN DIEGO

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

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## MEASURE H

**CHARTER AMENDMENT REGARDING ARTICLE V, SECTION 55.** Shall Article V, Section 55 be amended to authorize childcare on dedicated parkland property with "childcare" meaning any State-licensed facility, other than in-home family day care, in which nonmedical care and supervision is provided for children under age 18 in a group setting for less than 24 hours per day, excluding educational or instructional use provided by public, private, home, or charter schools?

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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

Amendment to San Diego City Charter Article V, Section 55 to authorize childcare in recreational facilities and buildings on dedicated parkland.

#### BALLOT SUMMARY

This measure would amend the San Diego City Charter (Charter) Article V, Section 55 to allow the City Manager to approve childcare activities at recreation facilities and buildings in dedicated park property owned by the City of San Diego. For purposes of this amendment, childcare means any State-licensed childcare facility, that is not an in-home family day care, in which nonmedical care and supervision is provided for children under age 18 in a group setting for less than 24 hours per day. Childcare, for this amendment, does not include educational or instructional uses provided by public, private, home, or charter schools.

The City Council placed the measure on the ballot. If approved, the Charter amendment would become effective as of the date the California Secretary of State officially chapters the amendment.

### CITY ATTORNEY IMPARTIAL ANALYSIS

San Diego City Charter (Charter) section 55 governs the allowed uses of City of San Diego-owned parkland. Dedicated parkland is City-owned property that the Council of the City of San Diego (City Council) or California Legislature has formally and permanently set aside by City Council ordinance or State statute for park or recreation purposes.

Once City-owned property is dedicated as parkland, Charter section 55 requires the City to permanently use that parkland for park or recreation purposes unless an alternative use is approved by two-thirds of the City's voters. Childcare is not currently a park or recreation use.

If approved, this ballot measure would amend Charter section 55 to allow, but not require, the City Manager to authorize childcare in recreational facilities and buildings on dedicated parkland. For purposes of this amendment, childcare means any State-licensed childcare facility, other than in-home family day care, in which nonmedical care and supervision is provided for children under age 18 in a group setting for less than 24 hours per day. Childcare would not include educational or instructional use provided by public, private, home, or charter schools. This amendment would not authorize the construction of new buildings on dedicated parkland solely for childcare.

## **CITY ATTORNEY IMPARTIAL ANALYSIS (CONTINUED)**

The Charter amendment proposed in this measure also includes minor changes for consistency with other Charter provisions, such as punctuation and naming conventions.

The measure can only be repealed by a majority of City voters.

This measure was proposed by members of the City Council, which voted to place it on the ballot. If approved by a majority of the qualified voters voting on the measure, the Charter would be amended as of the date the amendment is chaptered by the California Secretary of State.

### **FISCAL IMPACT STATEMENT**

#### **MEASURE H - CHARTER AMENDMENT REGARDING ARTICLE V, SECTION 55**

This measure would allow childcare as an authorized use at existing Parks and Recreation facilities and buildings that are located on dedicated parkland in the City of San Diego.

There is no immediate fiscal impact to the measure, though there may be potential future costs and revenues to the City, should suitable park facilities and private childcare operators be successfully identified. A recent City analysis found that 42 Recreation Centers within the City currently meet the basic space requirement necessary for a small 4-classroom childcare facility of at least 5,000 square feet of ground floor space and an adjacent open area or parking lot that could be converted into a play area. Additional sites in regional parks may also be suitable for childcare use. Existing Recreation Centers have not yet been assessed to determine whether they meet State guidelines or any other requirements necessary to operate a childcare facility, or whether there may be impacts to existing recreational activities. Impacts to existing recreation activities would likely be assessed as part of a future permitting process for childcare facilities at City parks that has not yet been developed.

Costs for a permitting process are unknown as they would depend on future City actions. Additional potential unknown future costs could include one-time facility improvement costs necessary to ensure the site(s) meet the needs of a childcare facility and are in compliance with building code requirements, and on-going administrative, janitorial, maintenance, or other similar costs. It is unknown whether these costs would be borne by the City or the private childcare operator(s). If the City were to be responsible for such costs, revenue from a lease or other agreement between the City and private childcare operator(s) could offset at least some, or possibly all of the City's costs.

# ARGUMENT IN FAVOR OF MEASURE H

## VOTE YES ON H!

LET'S INCREASE THE AMOUNT OF CHILDCARE FOR WORKING FAMILIES

Finding care to meet their family's needs represents a challenge for so many working parents with children ages 6 and under in San Diego.

**The COVID-19 pandemic has only increased the ongoing challenges that childcare providers face.** The number of licensed childcare centers and family childcare homes has declined dramatically since 2019. Between 2019 and 2022, San Diego has seen a loss of an estimated 364 licensed childcare providers and 1,956 available spots.

In the San Diego region, over 74,000 children under the age of five lack access to licensed care.

A recent survey of San Diego parents conducted by the San Diego Foundation found that:

- 76% said finding affordable childcare in their area is an issue
- 70% had difficulty finding childcare that meets their expectations
- 68% said that finding childcare for a full working day is an issue

The City of San Diego has over 400 parks and over 400,000 acres of park space. With this amount of park space, combined with the amazing climate we enjoy, we should be able to offer our parks as a resource for quality childcare providers.

A comprehensive survey of City facilities found that 42 facilities within City parks are viable options to place childcare centers. Unfortunately, it is currently illegal to have childcare centers on City park land.

### **Measure H would change that.**

Measure H would allow neighborhood parks to be a safe location for working families to have access to quality childcare, without any reduction of park space and **without raising taxes.**

Measure H would allow working families to not have to make the difficult choice between losing their job or taking care of their children.

That's why bipartisan leaders across the City **SUPPORT MEASURE H.**

### **VOTE YES ON MEASURE H.**

CHRIS CATE  
Councilmember

VIVIAN MORENO  
Councilmember

JERRY SANDERS  
President & CEO, San Diego Regional  
Chamber of Commerce

KIM MCDOUGAL  
Vice President, YMCA of San Diego County

# ARGUMENT AGAINST MEASURE H

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

# FULL TEXT OF MEASURE H

## ARTICLE V

### EXECUTIVE AND ADMINISTRATIVE SERVICE

#### SECTION 55: PARK AND RECREATION

The City Manager shall have the control and management of parks, parkways, plazas, beaches, cemeteries, street trees, landscaping of City-owned property, golf courses, playgrounds, recreation centers, recreation camps, and recreation activities held on any City playgrounds, parks, beaches, and piers, which may be owned, controlled, or operated by the City. The City Council shall by ordinance adopt regulations for the proper use and protection of said park property, cemeteries, playgrounds, and recreation facilities, and provide penalties for violations thereof. The Manager is charged with the enforcement of such regulations.

All real property owned in fee by the City heretofore or hereafter formally dedicated in perpetuity by ordinance of the Council or by statute of the State Legislature for park, recreation, or cemetery purposes shall not be used for any but park, recreation, or cemetery purposes without such changed use or purpose having been first authorized or later ratified by a vote of two-thirds of the qualified electors of the City voting at an election for such purpose. However, real property which has been heretofore or which may hereafter be set aside without the formality of an ordinance or statute dedicating such lands for park, recreation, or cemetery purposes may be used for any public purpose deemed necessary by the Council.

Whenever the City Manager recommends it, and the City Council finds that the public interest demands it, the City Council may, without a vote of the people, authorize the opening and maintenance of streets and highways over, through, and across City fee-owned land which has heretofore or hereafter been formally dedicated in perpetuity by ordinance or statute for park, recreation, and cemetery purposes.

The City Council may, without a vote of the people, authorize a lease of the property occupied by San Diego High School to the San Diego Unified School District for educational, cultural, recreational, and civic programs and activities, provided that the property is used for a public high school. The property occupied by San Diego High School means the area used by the San Diego Unified School District for San Diego High School as of the date this amendment is effective, and further described in the legal description on file with the City Clerk as Document No. OO-20721.

The City Manager may, without a vote of the people, authorize childcare at recreation facilities and buildings on real property owned in fee by the City heretofore or hereafter formally dedicated in perpetuity by ordinance of the Council or by statute of the State Legislature for park or recreation purposes. For purposes of this section, childcare means any State-licensed childcare facility, other than in-home family day care, in which nonmedical care and supervision is provided for children under age 18 in a group setting for less than 24 hours per day, excluding educational or instructional use provided by public, private, home, or charter schools.

## FULL TEXT OF MEASURE H (CONTINUED)

The City Manager shall also have charge of the management, control, preservation, regulation, improvement, and embellishment of all public burial grounds and cemeteries belonging to the City, and the sale of lots therein. At least twenty percent of the net proceeds from the sale of all cemetery lots shall be deposited with the City Treasurer and be kept in a fund to be known as the Cemetery Perpetuity Fund. This fund shall be administered by the Funds Commission and shall be invested in such income-producing securities as the Funds Commission may decide. The principal of the perpetuity fund (subject to such accretion or diminution as may result from investing the same) shall not be available for meeting expenses for maintenance or upkeep of the cemeteries in any manner whatsoever. All income derived from the investment of the moneys in said perpetuity fund, together with the balance of the sale price of said lots not placed in the perpetuity fund, shall be expended in the maintenance and upkeep of the cemeteries and the perpetual care and upkeep of all graves and lots in said cemeteries; provided, however, that if in any one year such income is more than needed for the purpose of such maintenance, upkeep, and perpetual care, the Council may direct that the excess over and above that needed as above provided may be used for any other municipal purpose. If the income from said investments of said perpetuity fund and the balance of the sale price of said lots each year are not sufficient to maintain the cemeteries and to provide perpetual care and upkeep of all graves and lots in said cemeteries, the Council shall annually appropriate from other revenues an amount sufficient to enable the City to provide perpetual care and upkeep of all graves and lots in the cemeteries.