

**PROPOSED PROPOSITIONS
TO RATIFY AMENDMENTS
TO THE CITY CHARTER
TOGETHER WITH ARGUMENTS**

To Be Submitted to the Qualified Voters
of The City of San Diego at the

**SPECIAL MUNICIPAL ELECTION
TO BE HELD ON TUESDAY,
NOVEMBER 6, 1962**

The following proposed propositions for the ratification and approval of amendments to the Charter of The City of San Diego will be submitted to the qualified voters of The City of San Diego on Tuesday, November 6, 1962.

PHILLIP ACKER, City Clerk

Carroll

PROPOSITION F

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION F CITY OF SAN DIEGO CHARTER AMENDMENT Amend Sections 69, 71, 77, 91, 92 and 93 of Charter of The City of San Diego. Amend Section 69 to eliminate excessive detail and administrative language relating to the budget and supplying language requiring information in connection with the preparation and submission of the annual budget; amend Section 71 to authorize City Council to increase any amount or add new items to the annual appropriation ordinance and delete language which requires the permission of the Manager, Board, Commission or officer in charge of the department; amend second paragraph Section 77 to permit utilization of capital outlays fund for the initial furnishing and equipping of permanent public improvements; amend Sections 91, 92 and 93 to liberalize the inter-fund utilization of City monies to keep the City in a better cash position.	YES	56,517 ⁰ 89,340
	NO	43,497 ⁰ 68,764

158,104

This proposed amendment amends the first paragraph and deletes paragraphs (a) through (j) and a portion of (k), of Section 69, amends Section 71, amends the second paragraph of Section 77, amends Section 91, amends Section 92 and amends Section 93 of the City Charter by deleting certain provisions thereof and by the addition of new provisions. The portions to be deleted are printed in STRIKE OUT TYPE and the portions to be added are underlined.

Section 69. FISCAL YEAR AND MANAGER'S ESTIMATE.

The fiscal year of the City shall begin with the first day of July and shall end with the next succeeding 30th day of June. On or before the first meeting in May of each year the Manager shall prepare and submit to the Council a budget of the expense of conducting the affairs of the City for the ensuing fiscal year. Departments not under the Manager shall submit their annual budget estimates to the Manager, or to such official as he may designate, and in such form as he shall require on or before April 15th for transmittal in proper form by the Manager to the Council. The budget shall include a summary outline of the fiscal policy of the City for the budget year, describing in connection therewith the important features of the budget plan; a general budget summary setting forth the aggregate figures of the budget in such manner as to show the balanced relations between the total proposed expenditures and the total anticipated income and other means of financing the budget for the ensuing year, contrasted with the corresponding figures for the current year. The classification of the estimate shall be as nearly uniform as possible for the main divisions of all Departments and shall give the following information: furnish necessary detailed fiscal information.

(a) A detailed estimate of the expense of conducting each Department and office of the City for the ensuing fiscal year, showing the objects of expenditure such as personal service, contractual service, materials and supplies, equipment, capital

outlays and fixed charges, and further consolidated or summarized under funds, organization units, and character of expenditure.

(b) Expenditures for the corresponding items for the current year including the amounts estimated to the end of the current fiscal year with reason for increases and decreases recommended as compared with appropriation for the current year.

(c) The total value of supplies and materials on hand in each Department at the date of the preparation of the estimate.

(d) The total amount of City debt outstanding together with a schedule of maturities of bond issues by Departments, and a statement of borrowing capacity.

(e) A statement of the amounts which should be appropriated:

(1) For interest on the City Debt.

(2) For paying off any serial bonds maturing during the year.

(3) For payments on lease contracts.

(4) For the aggregate of the year for the equal installments required to be appropriated annually during the life of all other bonds of the municipality in order to accumulate a fund sufficient to pay off such other bonds at maturity.

(5) For disability and retirement payments, in addition to the contributions of City employees, sufficient to maintain the respective funds.

(f) An estimate of the amount which should be appropriated for contingent or emergency purposes.

(g) An itemization of all anticipated revenues of the City from sources other than taxes, shown by Departments:

(h) An item to be known as the "unappropriated balance" which sum shall be available for appropriation later in the fiscal year to meet contingencies which might arise. The budget shall also contain an item to be known as the "reserve fund" which shall be carried over to the next ensuing fiscal year following the fiscal year for which the budget is prepared, to meet the cash requirements of the City for the portion of said next ensuing fiscal year prior to the receipt of taxes thereon or for appropriations to the unappropriated balance fund, provided that the Council shall create gradually such "reserve fund" as provided in Section 91 of this Article and shall add from year to year an amount sufficient to meet the cash requirements of the City; provided however that no transfers from this reserve fund shall be made at any time, except as authorized and limited in Section 91 of this Article.

(i) An estimate of the amount of money to be raised from taxes and bond issues which with revenue from other sources should be necessary to meet the expenditures proposed.

(j) A long time program of proposed activities, developments and improvements listed in order of relative importance and specifying whether the work is to be done by bond issue or by taxation.

(k) Such other information as the Manager may think desirable or as may be required by the Council. The Council shall provide for printing a reasonable number of copies of the estimate thus prepared, for distribution to citizens at least fifteen days before final passage. Copies shall also be furnished to the newspapers of the City and to each library thereof which is open to the public.

Section 71. PREPARATION AND PASSAGE OF ANNUAL APPROPRIATION ORDINANCE.

Upon receipt of the Manager's estimate the Council shall at once prepare an

appropriation ordinance using such estimate as a basis. The form, arrangement and itemization of the appropriation ordinance shall be determined and prescribed by the Auditor and Comptroller and City Attorney. Provision shall be made by the Council for public hearings upon the appropriation ordinance either before a Committee of the Council or before the Council sitting as a committee of the whole. Following the public hearings the appropriation ordinances shall take the same course in the Council as other ordinances but shall not be passed before the first meeting of the Council in July. The Council may reduce or eliminate any item but may not increase any amount or add any new item for personal services, contractual services, materials, supplies, and equipment for any Department unless requested in writing to do by the Manager or by the Board, Commission or officer in charge of a Department not under the jurisdiction of the Manager. Upon final passage, the appropriation ordinance shall be published in the manner provided for the publication of other ordinances.

Section 77. CAPITAL OUTLAYS FUND.

There is hereby created a fund in the City Treasury to be known as the Capital Outlay Fund. Into this fund each year there shall be placed all moneys derived from taxation required or needed for capital outlay expenditures and all proceeds received from the sale of city-owned real property.

The moneys in the Capital Outlay Fund shall be used exclusively for the acquisition, construction and completion of permanent public improvements including public buildings and the initial furnishing and equipping thereof, real property, water and sewer mains and extensions, and other improvements of permanent character, and also the replacement or reconstruction of the same, but not the repair or maintenance thereof, and shall not be used for any other purpose or transferred from said fund, except with the consent of two-thirds of the qualified electors of said City, voting at a general or special election.

No moneys in said fund shall be transferred at the end of a fiscal year, but shall remain therein as trust moneys for the purposes above outlined, and the said fund shall be used and maintained, if possible, as a cash reserve to enable the City to meet public emergencies or acquire needed permanent public improvements without the issuance of bonds.

Each year the Council may appropriate from said fund in the Annual Appropriation Ordinances, except for use of the Harbor Department, sufficient moneys to care for the needs of the various departments of the City for capital outlay expenditures of a permanent character.

Section 91. GENERAL RESERVE ACCOUNT FUND.

The Council shall create and maintain a permanent revolving account fund, to be known as the General Reserve Account Fund, for the purpose of keeping the payment of the running expenses of the City on a cash basis. Said account fund shall be maintained in an amount sufficient to meet all legal demands against the treasury for the first four months or other necessary period of each fiscal year prior to the collection of taxes. The Council shall have no power to transfer from the General Reserve Account to any other account or fund any moneys except such sum or sums as may be required for the purpose of placing such account or fund as nearly as possible on a cash basis, and except in the event of a public emergency, when it shall be determined by a vote of at least five (5) members of the Council that such moneys shall be expended in order to insure the safety and lives and property of the City or its inhabitants. This fund may be expended only in the event of a public emergency when it shall be determined by the affirmative

vote of at least two-thirds of the members elected to the Council; that such expenditures are necessary in order to insure the safety and lives and property of the City or its inhabitants; It shall be the duty of the Council to provide that all moneys so transferred from the General Reserve Account be returned thereto on or before the end of the fiscal year in which said transfers are made; provided, that in any fiscal year in which the total balance in said General Reserve Account exceeds thirty per cent of the total amount of the general budget for that year, the Council may appropriate such excess for any City purpose without returning the same. (See subsection (h), Section 69.)

Section 92. BORROWING MONEY ON SHORT TERM NOTES.

If there is not sufficient cash reserve to meet current obligations, bonds or notes may be issued in anticipation of the collection of special assessments and bonds, notes, or registered warrants on the treasury may be issued in anticipation of the collection of taxes, as authorized by the City Council by ordinance and shall not be deemed the creation of debt within the meaning of Section 90 of this Article. Bonds, notes, or registered warrants on the treasury issued in anticipation of the collection of the taxes of any fiscal year shall be issued only during the first four months or other necessary period of such each fiscal year and each such bond, note, or warrant shall specify that it is payable solely out of the first revenues taxes of the fiscal year in which issued, and before the close of such year, and shall not bear a higher rate of interest than five (5) per cent per annum, and the total amount of such bonds, notes or warrants, authorized and issued in any fiscal year shall not in the aggregate, be more than twenty-five (25) per cent of the total appropriations of the City for such year. Nothing herein contained shall be construed to authorize the incurring of an obligation against the municipality in excess of that authorized to be incurred by the constitution of the State of California.

Section 93. LOANS AND ADVANCES.

The City Council may from time to time authorize the advance of moneys in the treasury as a temporary loan to any tax-supported fund, which loan shall be repaid from the first property taxes received thereafter; provided, however, that such temporary loans shall not exceed the current property taxes receivable. It shall be lawful from time to time to advance money in the General Fund to any bond fund or to use any money in the General Fund for any purpose for which a loan shall have been authorized and bonds actually voted but not yet issued and sold, and the City officials need not sell said bonds until it is necessary to repay the General Fund advances or to replenish such loan fund or funds. The credit of the City shall not be given or loaned to or in aid of any individual, association or corporation; except that suitable provision may be made for the aid and support of the poor.

ARGUMENT FOR PROPOSITION F

Restrictive language in the present Charter creates certain inefficient and uneconomical procedures in the use of public monies.

The Charter now limits the authority of the Council in dealing with financial appropriations to reduction or elimination of any item in the budget as submitted by the Manager; all increases must be recommended by him. The Council, as the representative elected body should have full responsibility and authority, including increasing or adding new items in the budget, and its judgment should not be subject to a check by appointed officials not responsible directly to the voters.

Expenditures from the Capital Outlay Fund are authorized for construction of improvements but not for furnishing moveable equipment used therein. The initial equipping of a new fire station with fire engines and related equipment is as reasonable an expenditure of capital outlay funds as is the construction of the fire station itself. The proposed change of Section 77 will clarify this.

Present wording in the Charter permits advance of monies in the General Fund to any fund for which the sale of bonds has been authorized. The proposed amendments place in the hands of the Council authority to advance any monies in the treasury to any tax supported fund as may be required for the most economical operation of the city. This will save the city considerable sums.

Adoption of the amendments set forth in this proposition would result in strengthening the financial position of the city through the more efficient utilization of tax monies by reducing the amount of taxes collected and lying idle during a great part of the year, and through focusing responsibility for fiscal policies on the elected City Council.

Howard L. Chernoff
Chairman
Citizens Charter Review Committee

ARGUMENT AGAINST PROPOSITION F

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

PROPOSITION G

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

Carroll

<p>PROPOSITION G CITY OF SAN DIEGO CHARTER AMENDMENT Amend Sections 10, 12, 13, 25 and 212 of Charter of The City of San Diego:</p>	<p>59.46%</p> <p>YES</p>	<p>94,578</p>
<p>Amend first, second, third, and fifth paragraphs Section 10, to change the municipal primary and general election from the spring to the fall of odd-numbered years; amend second paragraph Section 12, second paragraph Section 13, Section 25, to change "May" to "December"; amend Section 212 to change "May" to "December" to eliminate obsolete language concerning elections, and the effective date of the Charter, to add "Committee" to City agencies charged with duties, and to authorize the Council to take necessary action after the effective date of any Charter amendments.</p>	<p>40.54%</p> <p>NO</p>	<p>64,482</p>

159060

This proposed amendment amends the first, second, third and fifth paragraphs of Section 10; amends the second paragraph of Section 12; amends the second paragraph of Section 13; amends Section 25; and amends the first and second paragraphs of Section 212 of the City Charter by deleting certain provisions thereof and by the addition of new provisions. The portions to be deleted are printed in STRIKE-OUT TYPE and the portions to be added are underlined.

Section 10. ELECTIONS.

The regular municipal primary election shall be held on the second ~~third~~ Tuesday in March ~~September~~ in each odd-numbered year, and the general municipal election shall be held on the third ~~second~~ Tuesday in April ~~first~~ Monday in November of the same year, or, if either of these days falls on a legal holiday, then the election shall be held on the next succeeding day which is not a legal holiday. All other municipal elections which may be held under this charter shall be known as special municipal elections.

At the municipal primary election there shall be chosen by the electors of each Council District two candidates for the office of any councilman from a district whose term expires the succeeding May ~~December~~.

There shall be chosen by all of the electors of the City not more than twice the number of candidates necessary to fill any office of any other officer whose term expires the succeeding May ~~December~~.

In the event that any candidate, other than council candidates, for nomination to any office for which only one person is to be elected, shall receive a majority of the votes cast for all the candidates for nomination to such office at such primary election, the candidate so receiving such majority of all votes shall be deemed to be, and declared by the Council to be, elected to such office. Any candidate for the office of Member of the Board of Education elected at large who shall receive votes on a majority of all the ballots cast for candidates therefor at such primary election, shall be deemed to be, and declared by the Council to be, elected to such office; and where two or more candidates are to be elected to

such office and a greater number of candidates receive a majority than the number to be elected, those candidates who secure the highest votes of those receiving such majority and equal in number to the number to be elected shall be deemed to be and declared by the Council to be elected to such office.

At the general municipal election the electors of the whole City shall select from among the candidates chosen at the primary election in each district one candidate for the office of the Councilman whose term expires the succeeding May December and there shall be chosen by all of the electors of the whole City from among the candidates chosen at the primary one candidate to succeed any other elective officer whose term expires in May December succeeding the election.

After the result of an election for any office is declared, or when an appointment is made the City Clerk under his hand and official seal, shall issue a certificate therefor and shall deliver the same immediately to the person elected or appointed, and such person must within ten days after receiving such certificate file his official bond, if one be required for his office, and take and subscribe to the oath of office required of him by this Charter, which oath must be filed with the City Clerk.

Section 12. THE COUNCIL.

The Council shall be composed of seven (7) Councilmen, including the Mayor, and shall be the legislative body of the City, each of the members of which, including the Mayor, shall have the right to vote upon all questions before it.

Councilmen, including the Mayor, shall be elected at a general municipal election held in the odd numbered years and, except as hereinafter provided, shall hold office for the term of four years from and after the first Monday after the first day of May December next succeeding their election and until their successors are elected and qualified.

Any vacancy occurring in the Council shall be filled from the District in which the vacancy occurs by appointment by the remaining Councilmen; but in the event that said remaining Councilmen fail to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, they must immediately cause an election to be held to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

In case a member of the Council is absent from the City for a period of forty (40) days, unless by permission of the Council, his office shall be declared vacant by the Council and the same filled as in the case of other vacancies.

The rate of pay of each Councilman shall be Five Thousand Dollars (\$5,000.00) a year.

No Councilman shall be eligible during the term for which he was appointed or elected to hold any other office or employment with the City, except as Mayor and a member of any Board, Commission or Committee thereof, of which he is constituted such a member by general law or by this Charter.

Section 13. MEETINGS OF THE COUNCIL.

The Council shall provide by ordinance for the time and place of holding its meetings; provided, however, that there shall be at least one regular meeting in each week. Any regular meeting may be adjourned to a date and hour certain, and such adjourned meeting shall be a regular meeting for all purposes. All legislative sessions of the Council, whether regular or special shall be open to the public.

All legislative action shall be by ordinance, except where otherwise required by the Constitution or laws of the State of California. The Council shall keep a journal of its proceedings, which shall be a public record. On the passage of every ordinance the vote shall be taken by yeas and nays, and entered upon the journal, and no ordinance shall be passed without concurrence of a majority of the members elected to the Council. The proceedings of the Council shall be public and citizens shall have a reasonable opportunity to be heard. The first meeting of the Council shall be held at ten o'clock A. M. on the first Monday after the first day in May ~~December~~ following its election.

All subsequent meetings shall be held pursuant to adjournment, or in accordance with a rule adopted by the Council which may be amended at any time. Special meetings shall be held on the call of the Mayor or on the written request of any three Councilmen, upon twelve hours notice to each member, to be served personally by written notice; provided, however, that such notice may be waived by the written consent of all the Councilmen.

Section 25. VICE-MAYOR.

The Council shall annually in the month of May ~~December~~ select one of its members who shall be the Vice-Mayor. The Vice-Mayor shall perform all the duties of the Mayor as prescribed by this Charter or by ordinance when the Mayor is absent or unable to perform his duties.

Section 212. CONTINUANCE OF PRESENT OFFICERS.

All persons holding office at the time the provisions of this Charter or any amendments thereto shall take effect shall continue in office and in the performance of their duties until provisions shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. ~~The first election for the purpose of electing municipal officers under the provisions of this Charter shall be held on the fourth Tuesday in April, 1932, and the first primary election for the purpose of nominating candidates for said first election shall be held on the fourth Tuesday in March, 1932. Thereafter, the regular municipal elections shall be held in the odd-numbered years, as in Article 11 provided. The terms of all elective officers, who are in office at the time this Charter or any amendments thereto becomes become effective shall terminate on the first Monday after the first day of May ~~December~~ following the holding of such election except as in this Charter otherwise provided. For all other purposes this Charter shall become effective on the first day of January, 1932, provided however, that the provisions of this Charter relative to the appointment of officers and the creation of offices and departments shall not become effective until after the first Monday after the first day of May following the holding of the first election under the terms of this Charter.~~

The powers conferred and the duties imposed upon any Officer, Commission, Board, Committee or Department of the City by the laws of the State and by this Charter or ordinance shall be thereafter exercised and discharged by the Officer, Board, Committee or Department designated by this Charter or by ordinances passed by the Council, unless otherwise provided herein. The members of the Legislative body of The City of San Diego in office at the time the State Legislature ratifies and approves this Charter or any amendments thereto shall take the necessary action and do everything necessary or incidental for the purpose of holding the first election at which municipal officers are elected pursuant to the terms and provisions of this Charter or any amendments thereto.

ARGUMENT FOR PROPOSITION G

Municipal elections have been generally held in the spring of odd-numbered years as a means of separating consideration of municipal government from the partisan politics of state and national elections which are held in the fall of even numbered years. Existing Charter provisions provide that newly elected representatives to the City Council take office in May which coincides with presentation of the budget by the Manager to the Council. The first order of business confronting the new city councilman becomes a consideration of the city's financial plans for the forthcoming fiscal year and a determination of the new property tax rate. The proposed budget must be adopted within two months in order to permit uninterrupted municipal services, thereby committing a new administration to the fiscal policies of the previous council, which may not be the desire of the electorate as expressed at the ballot box.

Municipal elections held in the fall rather than the spring of the year will permit newly elected members of the City Council to take office in December and allow four months for familiarization with municipal problems and for the formulation of fiscal policies prior to consideration of the budget for the forthcoming fiscal year. An alternative proposal to change the fiscal year would be prohibitively expensive to the city due to prior and long standing financial commitments based on the present fiscal year.

Other provisions of this proposition eliminate provisions required to place the original 1931 Charter into effect, recognize the position of appointed citizen committees as responsible agencies of municipal government with specified duties, and charge the Council with taking action to implement amendments to the Charter approved by the electorate.

Howard L. Chernoff
Chairman
Citizens Charter Review Committee

ARGUMENT AGAINST PROPOSITION G

The Charter Review Study Committee made a series of recommendations which they believed would update the operations of city government. One of these suggested changes is this Proposition to alter the municipal election date from the Spring to the Fall period in the municipal election year.

The Committee felt that this would enable newly elected council members to be installed in office and become acquainted with their duties for six months before they have to adopt the annual appropriation budget.

While this might be a desirable change, I suggest a no vote to eliminate any possible confusion which may or may not be created.

JUSTIN EVENSON
Councilman, City of San Diego

PROPOSITION H

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

Counted

<p>PROPOSITION H. CITY OF SAN DIEGO CHARTER AMENDMENT Amend Sections 10 and 66, repeal Section 65 of Charter of The City of San Diego.</p> <p>Amend Section 66 to establish five electoral districts in the San Diego Unified School District, to nominate members of the Board of Education by district and elect at large; to reduce the term of office of members to four years; to require compensation of members to be paid by the School District; amend fourth paragraph of Section 10 to delete election of members of Board; repeal Section 65, composition of school system.</p>	<p>51.71%</p> <p>YES</p>	<p>70,887</p>
<p>16-2237</p>	<p>48.29%</p> <p>NO</p>	<p>79,350</p>

This proposed amendment amends paragraph four of Section 10 of the City Charter, repeals Section 65 of the City Charter, and amends Section 66 of the City Charter by deleting certain provisions thereof and by the addition of new provisions. The portions to be deleted are printed in STRIKE-OUT-TYPE and the portions to be added are underlined.

Section 10. ELECTIONS.

The regular municipal primary election shall be held on the second Tuesday in March in each odd-numbered year, and the general municipal election shall be held on the third Tuesday in April of the same year, or, if either of these days falls on a legal holiday, then the election shall be held on the next succeeding day which is not a legal holiday. All other municipal elections which may be held under this charter shall be known as special municipal elections.

At the municipal primary election there shall be chosen by the electors of each Council District two candidates for the office of any councilman from a district whose term expires the succeeding May.

There shall be chosen by all of the electors of the City not more than twice the number of candidates necessary to fill any office of any other officer whose term expires the succeeding May.

In the event that any candidate, other than council candidates, for nomination to any office for which only one person is to be elected, shall receive a majority of the votes cast for all the candidates for nomination to such office at such primary election, the candidate so receiving such majority of all votes shall be deemed to be, and declared by the Council to be, elected to such office. Any candidate for the office of Member of the Board of Education elected at large who shall receive votes on a majority of all the ballots cast for candidates therefor at such primary election, shall be deemed to be, and declared by the Council to be, elected to such office, and where two or more candidates are to be elected to such office and a greater number of candidates receive a majority than the number to be elected, those candidates who secure the highest votes of those receiving such majority, and equal in number to the number to be elected, shall be deemed to be, and declared by the Council to be, elected to such office.

At the general municipal election the electors of the whole City shall select

from among the candidates chosen at the primary election in each district one candidate for the office of the Councilman whose term expires the succeeding May, and there shall be chosen by all of the electors of the whole City from among the candidates chosen at the primary one candidate to succeed any other elective officer whose term expires in May succeeding the election.

After the result of an election for any office is declared, or when an appointment is made, the City Clerk, under his hand and official seal, shall issue a certificate therefor, and shall deliver the same immediately to the person elected or appointed, and such person must within ten days after receiving such certificate file his official bond, if one be required for his office, and take and subscribe to the oath of office required of him by this Charter, which oath must be filed with the City Clerk.

Section 65. SCHOOL SYSTEM.

The School System of The City of San Diego shall include all Kindergarten, Elementary and Secondary Schools, and such Evening Schools, Technical Schools, Parental Schools and other Schools as are now established or that may hereafter be established by the Board of Education of the City in the San Diego School District under the general laws of the State of California. The boundaries of the San Diego School District shall be those now established or that may hereafter be established under the general laws of the State of California.

Section 66. BOARD OF EDUCATION.

The government of the San Diego Unified School District shall be vested in a Board of Education, composed of five members who shall be elected at large by the electors of the School District at the same time as the members of the City Council. The candidates for the Board of Education shall have been qualified voters of the district at least three years prior to their nomination, nominated and elected at the regular municipal primary elections and the general municipal elections at the same time and under the same procedure as the election of councilmen. Each candidate for the Board of Education shall have been a qualified voter of the San Diego Unified School District at least three years next preceding his election or appointment and shall have been an actual resident of the election district from which he was nominated for one year immediately preceding his election or appointment. The members shall serve for a term of ~~six~~ four years, or until their successors are elected and qualified, except as herein provided. The present members of the Board shall serve out their unexpired terms. Thereafter, there shall be elected three members in 1941 who shall so classify themselves by lot that the terms of two will expire at the end of four years and the term of the third will expire at the end of six years. Commencing in 1943 and thereafter, all members shall be elected for six year terms. Any vacancy in the Board shall be filled by the Board of Education until the next general municipal primary and general election, when a member shall be elected to fill the unexpired term. Each member shall receive a compensation of \$1,200.00 per annum, which compensation shall be paid by the San Diego Unified School District.

For the purpose of electing members of the Board of Education, the San Diego Unified School District shall be divided into five (5) districts as nearly equal in registered voter population as practicable. For the first primary and regular election held under this section, as amended, the boundaries of such election districts shall be established by the Board of Education as such Board existed on the effective date of the amendment to this section. Thereafter, the boundaries of such election districts shall be subject to alteration and change under the provisions of this section. The Board of Education, by resolution, may change and alter the boundaries of the

election districts and in the resolution may describe the new boundaries by reference to a map on file in the office of the City Clerk; a metes and bounds description of the new boundaries need not be contained in said resolution.

ARGUMENT FOR PROPOSITION H

The present method of selecting School Board members for the San Diego Unified School District is not truly democratic and representative of the area served. It should reflect such generally recognized democratic safeguards as a system of checks and balances, city wide representation, and responsiveness to the property owners and electors of the school district.

School Board members have consistently been residents of a very few areas of the city. The creation of five electoral districts within the San Diego Unified School District for nominating board members will insure that other geographic areas will receive equal representation. The method of nomination by district to insure geographical representation and election at large to insure district-wide responsibility has been proven in San Diego city elections over many years. A shorter term of four rather than six years affords the electors of the district a 50% greater opportunity to make their attitudes and wishes known by either a vote of confidence to return the Board member to his position, or by replacing a Board member with another candidate of their choice.

The token compensation of \$1,200 per year paid to the Board members is more properly a levy upon the people served by the school district rather than on the citizens of San Diego at large.

The responsibility for financial support of the San Diego Unified School District is borne by all constituents of the district. The need for adequate educational opportunities is shared by all the school age children of the district. The proposed amendments will provide that administration of the district will be accomplished by a Board representing geographic areas and minority groups of the city in a much better fashion than at present.

Howard L. Chernoff
Chairman
Citizens Charter Review Committee

ARGUMENT AGAINST PROPOSITION H

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

PROPOSITION J

Council

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

PROPOSITION J: CITY OF SAN DIEGO CHARTER AMENDMENT. Amend Section 40 of Charter of The City of San Diego. Amend first, fifth, eighth and ninth paragraphs: Section 40 prohibiting the election of the City Attorney to a regular term of four years at the same time the Mayor is being elected to a regular term of four years, requiring the initial election for a term of six years, of the City Attorney, prohibiting the decrease of salary, during the term of office, of the City Attorney, establishing \$15,000.00 as a minimum annual salary for the City Attorney.	64.90% YES	103,151 55,784
	35.10% NO	

158,935

This proposed amendment amends paragraph one, five, eight and nine of Section 40 of the City Charter by deleting certain provisions thereof and by the addition of new provisions. The portions to be deleted are printed in STRIKE-OUT-TYPE and the portions to be added are underlined.

Section 40. CITY ATTORNEY.

~~A City Attorney shall be elected by the people for a term of four years. At the municipal primary and general election in 1963, a City Attorney shall be elected by the people for a term of six years. A City Attorney shall thereafter be elected for a term of four years; provided that the election of the City Attorney to a regular term of office of four years shall not occur at the same time that the Mayor is being elected to a regular term of office of four years.~~ The City Attorney shall be the chief legal adviser of, and attorney for the City and all Departments and offices thereof in matters relating to their official powers and duties. The attorney and his deputies shall devote their full time to the duties of the office and shall not engage in private legal practice during the term for which they are employed by the City, except to carry to a conclusion any matters for which they have been retained prior to taking office.

The City Attorney shall appoint such deputies, assistants, and employees to serve him, as may be provided by ordinance of the Council, but all appointments of subordinates other than deputies and assistants shall be subject to the Civil Service provisions of this Charter.

It shall be his duty, either personally or by such assistants as he may designate, to perform all services incident to the legal department; to give advice in writing when so requested, to the Council, its Committees, the Manager, the Commissions, or Directors of any department, but all such advice shall be in writing with the citation of authorities in support of the conclusions expressed in said written opinions; to prosecute or defend, as the case may be, all suits or cases to which the City may be a party; to prosecute for all offenses against the ordinances of the City and for such offenses against the laws of the State as may be required of him by law; to prepare in writing all ordinances, resolutions, contracts, bonds, or other instruments in which the City is concerned, and to endorse on each his approval of the form or correctness thereof; to preserve in his office a docket of all cases in which the City

is interested in any of the courts and keep a record of all proceedings of said cases to preserve in his office copies of all written opinions furnished by him to the Council, Manager, Commission, or any officer. Such docket, copies and papers shall be the property of the City, and the City Attorney shall, on retiring from office, deliver the same, together with all books, accounts, vouchers, and necessary information to his successor in office.

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

He shall apply, upon order of the Council, in the name of the City, to a court of competent jurisdiction for an order or injunction to restrain the misapplication of funds of the City or the abuse of corporate powers, or the execution of or performance of any contract made in behalf of the City, which may be in contravention of the law or ordinances governing it, or which was procured by fraud or corruption. He shall apply, upon order of the Council, to a court of competent jurisdiction for a writ of mandamus to compel the performance of duties of any officer or commission which fails to perform any duty, expressly enjoined by law or ordinance.

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

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

The salary of the City Attorney shall be fixed by the Council and set forth in the annual appropriation ordinance, provided that the salary of the City Attorney may not be decreased during his term of office, but in no event shall said salary be less than ~~\$6,500.00~~ \$15,000.00 per year.

In the event of a vacancy occurring in the office of the City Attorney by reason of any cause, the Council shall have authority to fill such vacancy, which said authority shall be exercised within thirty (30) days after the vacancy occurs. Any person appointed to fill such vacancy shall hold office until the next regular municipal election, at which time a person shall be elected to serve ~~for a full term of four years~~ the unexpired term. Said appointee shall remain in office until his successor is elected and qualified.

ARGUMENT FOR PROPOSITION J

The proper operation of a democratic system of check and balances requires that the mayor and the city attorney not be elected at the same municipal election, so that they will not run for office together on the same ticket. Each should run separately on his own record and merits, and each should be expected to be independently interested therefore in the welfare of the city.

It is the current practice in San Diego to elect the mayor and city attorney on the same ballot every four years. The proposal to elect the city attorney at the next election for a term and a half (or six years), and thereafter prohibiting the election of the city attorney and the city mayor at the same time, will restore this important check and balance feature to the San Diego City Charter.

The city attorney as a popularly elected official is responsible first of all to the voters of the city. He should be protected from the possibility of the threat of economic pressure from an unfriendly city council. The proposed amendment prohibiting the reduction of the salary of the city attorney during his term of office or the reduction of his salary below an acceptable minimum for a subsequent term will protect the city attorney against such threat of economic influence.

A city attorney elected at a different period than the majority of the city council and protected from economic pressure by the city council is San Diego's best insurance against the establishment of a politically dominant faction in our democratic municipal government.

Howard L. Chernoff
Chairman
Citizens Charter Review Committee

ARGUMENT AGAINST PROPOSITION J

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