

**PROPOSED PROPOSITIONS TO  
RATIFY AN ORDINANCE AND  
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 3, 1964**

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The following proposed propositions for the ratification and approval of an ordinance authorizing the leasing of a part of Mount Hope Cemetery in The City of San Diego and 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 3, 1964.

PHILLIP ACKER, City Clerk

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

PROPOSITION K. Shall Ordinance No. 9072 (New Series) of the Ordinances of The City of San Diego, entitled, "An Ordinance authorizing the leasing for fifty (50) years of fifty-seven (57) acres of that part of Mount Hope Cemetery which is undeveloped and not presently needed for cemetery purposes, and is north of Market Street, for such other purposes as may be deemed by the City Council to be in the best interests of the people of The City of San Diego," adopted by the Council of said City September 1, 1964, be ratified?	YES	
	NO	

Ordinance No. 9072 (New Series) reads as follows:

**"ORDINANCE NO. 9072**  
**(New Series)**

AN ORDINANCE AUTHORIZING THE LEASING FOR FIFTY (50) YEARS OF FIFTY-SEVEN (57) ACRES OF THAT PART OF MOUNT HOPE CEMETERY WHICH IS UNDEVELOPED AND NOT PRESENTLY NEEDED FOR CEMETERY PURPOSES, AND IS NORTH OF MARKET STREET, FOR SUCH OTHER PURPOSES AS MAY BE DEEMED BY THE CITY COUNCIL TO BE IN THE BEST INTERESTS OF THE PEOPLE OF THE CITY OF SAN DIEGO.

WHEREAS, pursuant to ordinances enacted by the City Council, Charter provisions of The City of San Diego, and enactments of the Legislature of the State of California, certain real property within the city limits of the City of San Diego has been dedicated and is presently held for cemetery purposes and designated as Mount Hope Cemetery; and

WHEREAS, some fifty-seven (57) acres of such lands so dedicated and presently held for cemetery purposes included within Mount Hope Cemetery, and lying northerly of Market Street, are not presently being used for cemetery purposes; and

WHEREAS, said fifty-seven (57) acres will not be needed or used for cemetery purposes for at least fifty (50) years; and

WHEREAS, said fifty-seven (57) acres are now lying fallow and it is in the best interests of the people of The City of San Diego that said fifty-seven (57) acres shall be put to an economic and beneficial use; NOW, THEREFORE,

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

Section 1. That the City Manager of The City of San Diego be, and he is hereby authorized and empowered to lease all or portions of that certain undeveloped real property lying northerly of Market Street, and comprising approximately fifty-seven (57) acres, included within the real property presently dedicated and held for cemetery purposes, and known as Mount Hope Cemetery, said fifty-seven (57) acres more or less being more particularly described as follows:

All that portion of Pueblo Lot 1347 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by James Pascoe in 1870, a copy of which Map was filed in the Office of the Recorder of said San Diego County, November 14, 1921, and is known as Miscellaneous Map No. 36, described as follows:

Beginning at the intersection of the Westerly line of said Pueblo Lot 1347 with the Northerly line of Market Street, 100 feet wide, as said street is located and established as of the date of this instrument; thence Northerly along said Westerly line of Pueblo Lot 1347 to the South line of the North 38.35 acres of said Pueblo Lot 1347; thence East along said South line of the North 38.35 acres to the Easterly line of said Pueblo Lot 1347; thence Southerly along said Easterly line of said Pueblo Lot 1347 to the Northerly line of said Market Street; thence Westerly along said Northerly line of Market Street to the Point of Beginning.

EXCEPTING THEREFROM, all that portion, if any, lying within Wabash Boulevard and Federal Boulevard as said boulevards are located and established as of the date of this instrument.

Section 2. Any lease of said real property or portions thereof shall be made upon such terms and conditions, and for such use or purpose other than cemetery purposes, as shall be approved and deemed by the City Council to be in the best interests of the people of The City of San Diego. The term of any such lease shall not exceed a period of fifty (50) years commencing with the effective date of any such lease; provided, however, that no portion of said real property shall be subject to any lease or leases for any period in excess of fifty (50) years commencing with the effective date of the first such lease.

Section 3. This ordinance shall become effective only after it is affirmatively approved by a vote of two-thirds of the qualified electors of The City of San Diego voting at the general election to be held on the third day of November, 1964, at which such proposition of ratifying this ordinance is submitted.

Presented by T. W. FLETCHER.

APPROVED: EDWARD T. BUTLER, City Attorney.

By GEORGE D. LINDBERG, Deputy.

Passed and adopted by the Council of The City of San Diego on September 1, 1964, by the following vote:

YEAS — Councilmen: Cobb, de Kirby, Scheidle, Hitch, Hom, Walsh, Mayor Curran.

NAYS — Councilmen: None.

ABSENT — Councilmen: None.

FRANK E. CURRAN,

Mayor of The City of San Diego, California.

PHILLIP ACKER,

City Clerk of The City of San Diego, California.

By RUTH KLAUER, Deputy.

AUTHENTICATED BY:

(SEAL)

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to-wit, on September 1, 1964, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

PHILLIP ACKER,

City Clerk of The City of San Diego, California.

By RUTH KLAUER, Deputy."

(SEAL)

### ARGUMENT FOR PROPOSITION K

That part of City-owned Mt. Hope Cemetery lying south of Market Street has sufficient area to meet estimated requirements for the next 50 years. In the part north of Market Street are 57 acres of undeveloped land which will then be used for cemetery purposes.

Lying idle, it produces no revenue and is unsightly. Leased for development, as a golf course for example, it would greatly improve the appearance of this section of the City, produce rental income, and provide a pre-landscaped cemetery when needed.

San Diego cannot afford to let this valuable asset lie dormant for 50 years. Your "Yes" vote on Proposition K will permit the City to put this vacant land to good use until it is needed as a cemetery.

The City Council and City Attorney urge a YES vote.

FRANK CURRAN, Mayor

HELEN COBB,

Councilman, District 1

IVOR de KIRBY,

Councilman, District 2

HARRY F. SCHEIDLE,

Councilman, District 3

ALLEN HITCH,

Councilman, District 4

TOM HOM,

Councilman, District 5

JACK WALSH,

Councilman, District 6

EDWARD T. BUTLER,

City Attorney

### ARGUMENT AGAINST PROPOSITION K

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

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

PROPOSITION L. CITY OF SAN DIEGO CHARTER AMENDMENT. Amend Section 12 of Charter of The City of San Diego. Amend fifth paragraph of Section 12 to increase the compensation of each Councilman to Eight Thousand Dollars (\$8,000.00) per year.	YES	
	NO	

This proposition amends the fifth paragraph of Section 12, Article III 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 12. THE COUNCIL. The Council shall be composed of nine (9) 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 December next succeeding their election and until their successors are elected and qualified. Upon any redistricting pursuant to the provisions of this Charter, incumbent councilmen will continue to represent the district in which they reside, unless as a result of such redistricting more than one incumbent councilman resides within any one district, in which case the City Council shall determine by lot which councilman shall represent each district. At the next municipal primary and general elections following a redistricting, councilmen shall be elected from those districts not represented and from those districts represented by incumbent councilmen whose terms expire as of the general election in said year. If as a result of any redistricting more than a simple majority of the City Council as redistricted shall be elected at the general election next following any such redistricting, the City Council prior to any such election shall designate one or more new districts for which the initial councilmanic term shall be two (2) years in order to retain staggered terms for councilmen.

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.

It is the duty of councilmen to attend all Council meetings. The absence of any councilman from eight (8) consecutive meetings or fifty per cent (50%) of any scheduled meetings within a month shall operate to vacate the seat of such councilman, unless the absence thereof is excused by resolution of the Council.

The rate of pay of each Councilman shall be ~~Five Thousand Dollars (\$5,000.00)~~ Eight Thousand Dollars (\$8,000.00) 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.

**ARGUMENT FOR PROPOSITION L**

1. The last salary increase for the City Council was made in 1956. Since that time salaries of government and private industry employees have risen considerably and commensurate with cost of living requirements. The increase proposed will provide cost of living increases for Councilmen.

2. The City of San Diego has grown in population and in the problems with which the Council must deal. Whereas the office of City Councilman was once a part-time job, the Charter Review Committee's studies revealed that San Diego City Councilmen work at their jobs from 40 to 60 hours a week. Councilmen deserve a salary increase to properly compensate them for their work.

3. The proposed salary increase for Councilmen would bring their pay in line with compensation of Councilmen in other cities of comparable size throughout the nation.

Howard L. Chernoff,  
 Chairman, Citizens Charter Review Committee

## ARGUMENT AGAINST PROPOSITION L

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

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

PROPOSITION M. CITY OF SAN DIEGO CHARTER AMENDMENT. Amend Section 24 of Charter of The City of San Diego. Amend second paragraph of Section 24 to increase the compensation of the Mayor to Eighteen Thousand Dollars (\$18,000.00) per year.	YES	
	NO	

This proposition amends the second paragraph of Section 24, Article IV 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 24. MAYOR. The Mayor shall preside at the meetings of the Council and perform such other duties as may be prescribed by this Charter or as may be imposed by the Council, consistent with the duties of his office. He shall have no power of veto, but shall have a vote as a member of the Council. He shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, for the signing of all legal instruments and documents, and by the Governor for military purposes. On or before the 15th day of January of each year, he shall communicate by message to the City Council a statement of the conditions and affairs of the City, and make recommendations on such matters as he may deem expedient and proper. In time of public danger or emergency, he may, with the consent of the Council, take command of the police, maintain order and enforce the law.

The rate of pay of the Mayor shall be ~~\$12,000.00~~ Eighteen Thousand Dollars (\$18,000.00) per year.

In the event of a vacancy occurring in the office of the Mayor, existing by reason of any cause, the Council shall have authority to fill such vacancy, provided, however, that if the Council shall fail to fill such vacancy by appointment within thirty (30) days after the vacancy, the Council must immediately cause an election to be held to fill such vacancy. 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.

### ARGUMENT FOR PROPOSITION M

1. The Mayor has had no increase in salary since 1956. During that time both government and private industry employees have received many cost of living salary increases. The proposed salary increase is necessary in order to bring the Mayor's salary in line with its relative position in 1956.
2. The office of Mayor has become more difficult and time-consuming over the past several years as San Diego's population has increased and its governmental problems have multiplied. The Mayor's job is full time today and this salary increase will compensate him properly.
3. The average annual salary of Mayors in cities of San Diego's population class is \$27,485. The figure indicates that the salary of the Mayor of San Diego is not in line with those of comparable cities. The proposed salary increase would help to correct this inequitable situation.

Howard L. Chernoff,  
Chairman, Citizens Charter Review Committee

### ARGUMENT AGAINST PROPOSITION M

The political history of the City of San Diego has, for many years, shown that able and qualified leaders have been available to serve as Mayor without undue emphasis on the salary of the office.

The proposed increase in salary for the Mayor is, therefore, not absolutely essential to continued good government in this City.

The great responsibilities and difficulties of serving as Mayor of the City of San Diego should be understood, in advance, by candidates who undertake to campaign for the office.

The \$6,000 proposed raise in salary for the Mayor amounts to approximately one/one hundredth of a cent on the tax rate.

R. J. Sutter,  
[REDACTED]  
San Diego 17, California

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

<b>PROPOSITION N. CITY OF SAN DIEGO CHARTER AMENDMENT.</b> Repeal Section 219 of Charter of The City of San Diego. Repeal Section 219 which requires a majority vote of the people to authorize a sale of or lease in excess of fifteen (15) years of Pueblo Lands owned by The City of San Diego situated north of the north line of the San Diego River.	<b>YES</b>	
	<b>NO</b>	

The proposition repeals Section 219, Article XIV of the City Charter. The portions to be deleted are printed in STRIKE-OUT TYPE.

~~Section 219. PUEBLO LANDS. No sale of Pueblo Lands owned by The City of San Diego which are situated North of the North line of the San Diego River shall ever be valid and binding upon said City unless such sale shall have been first authorized by an ordinance duly passed by the Council and thereafter ratified by the electors of The City of San Diego at any special or general municipal election. The City Manager shall have authority to lease Pueblo Lands, provided that any lease for a term exceeding one year shall not be valid unless first authorized by ordinance of the Council. No lease shall be valid for a period of time exceeding fifteen years.~~

**ARGUMENT FOR PROPOSITION N**

The passage of this Proposition is essential for the furtherance of the economic advancement of the City of San Diego, and will allow for the orderly development of approximately 1,300 acres of Pueblo Lands surrounding the University of California at San Diego campus.

The repeal of Section 219 of the City Charter will allow long-term leasing by removing the fifteen-year lease limitation imposed by said Section 219. Repeal of said Section 219 will also remove the further necessity of having to place on subsequent ballots ratification propositions covering each specific sale, exchange or long-term lease involving the remaining 1,300 acres of unratified Pueblo Lands.

Each individual lease, sale, and/or exchange shall require Council approval and shall be consistent with and be in furtherance of the University Community Master Plan as now adopted, or as hereafter amended following appropriate public hearings.

A YES vote will insure the orderly development of the University Community in accordance with the now adopted Master Plan.

The City Council and City Attorney urge a YES vote.

**FRANK CURRAN,**

Mayor

**HELEN COBB,**

Councilman, District 1

**IVOR de KIRBY,**

Councilman, District 2

**HARRY F. SCHEIDLE,**

Councilman, District 3

**ALLEN HITCH,**

Councilman, District 4

**TOM HOM,**

Councilman, District 5

**JACK WALSH,**

Councilman, District 6

**EDWARD T. BUTLER,**

City Attorney

**ARGUMENT AGAINST PROPOSITION N**

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

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

<b>PROPOSITION O. CITY OF SAN DIEGO CHARTER AMENDMENT.</b> Amend Section 7 of Charter of The City of San Diego. Amend first paragraph of Section 7 to permit registered voters twenty-one (21) years of age who satisfy resident requirements to be eligible to hold elective office of the City.	<b>YES</b>	
	<b>NO</b>	

This proposition amends the first paragraph of Section 7, Article II 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 7. ELECTIVE OFFICERS. No person shall be eligible to or hold any elective office of the City, either by election or appointment, unless he shall have been a resident and elector thereof for at least three

years next preceding his election or appointment unless he shall have been a resident thereof for at least three years next preceding his election or appointment and shall have been an elector thereof and a registered voter eligible to vote at the time of his election or appointment.

In addition to the foregoing qualifications, every Councilman must have been at the time of his election, or appointment in the event of a vacancy, an actual resident in the district from which he was nominated for one year immediately preceding his election or appointment. Any Councilman who moves from the district of which he was a resident at the time of his election or appointment forfeits his office, but no Councilman shall forfeit his office as a result of redistricting; provided, however, that the one year's residency requirement established by the provisions of this paragraph shall not apply to the first councilmanic election following the amendment of Section 4 of Article II of this Charter.

### ARGUMENT FOR PROPOSITION O

Amend Section 7 to permit 21 year old qualified registered voter to hold office (based upon eligibility on or before election day).

This amendment reduces the present minimum age of 24 years to 21 years which conforms to the age limitations in most chartered cities and all general law cities in the State of California and also is consistent with eligibility requirements of all statewide offices. Further, while the amendment would equate eligibility of office-holders with those of electors, it does clearly require that one seeking office shall have exercised a basic right of citizenship and be registered to vote and be qualified to do so at the election at which he seeks office. Therefore, the San Diego Charter is being made uniform with statewide election laws and stimulating participation in the elective process by all citizens.

The City Council and City Attorney urge a YES vote.

FRANK CURRAN, Mayor	IVOR de KIRBY, Councilman, District 2	ALLEN HITCH, Councilman, District 4	JACK WALSH, Councilman, District 6
HELEN COBB, Councilman, District 1	HARRY F. SCHEIDLE, Councilman, District 3	TOM HOM, Councilman, District 5	EDWARD T. BUTLER, City Attorney

### ARGUMENT AGAINST PROPOSITION O

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

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

<p>PROPOSITION P. CITY OF SAN DIEGO CHARTER AMENDMENT. Amend Section 66 of Charter of The City of San Diego by adding thereto a new paragraph 3.</p> <p>Amend to extend the term of office of one of the members of the Board of Education for two (2) additional years to stagger the terms of the members of said Board.</p>	YES	
	NO	

This proposition adds a new third paragraph to Section 66, Article VI of the City Charter. The portions to be added are underlined.

Section 66. BOARD OF EDUCATION. The government of the San Diego Unified School District shall be vested in a Board of Education, composed of five members who shall be nominated and elected at the regular municipal primary elections and 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 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. Any vacancy in the Board shall be filled by the Board of Education until the next 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.

The term of office of one of the three members of the Board of Education elected at the general municipal election in 1963 shall be extended for two (2) additional years. Thereafter, the term of the office so extended shall be four (4) years. The member whose term will thus be extended shall be chosen by lot prior to April 1, 1965, at a drawing conducted by the City Clerk, held at a public meeting of the Board of Education.

### ARGUMENT FOR PROPOSITION P

Existing provisions of the City Charter providing for the election of members of the Board of Education, San Diego Unified School District, result in an election pattern of four vacancies in one year and one in alternate election years. Failure to establish a staggered-term pattern of 3-2 was an oversight in 1962 when the present provisions were written to establish new election procedures.

Governmental bodies are traditionally established with staggered terms to provide for continuity of experience, and staggering is traditionally accomplished to provide for the least possible turnover in a single election year.

School Board members govern all affairs of the school district, and require some time to develop the necessary background and knowledge of local school affairs. Excessive responsibility would be placed upon the single experienced member if four newly-elected members were to join the Board of Education at one time.

To simply establish the staggered-term pattern of three vacancies in one year and two in alternate election years, thereby providing for maximum continuity of experienced membership on the Board of Education, vote yes on Proposition P.

Mrs. Robert G. Eason, President,  
League of Women Voters, San Diego

### ARGUMENT AGAINST PROPOSITION P

This Proposition represents a praiseworthy attempt to correct or modify a serious defect in our present City Charter provisions for the election of members of the Board of Education. However, it fails to afford an opportunity to voters to correct entirely the fault now existing.

A Charter amendment approved by the voters two years ago reduced the term of Board members from six years to four years, although the six-year term had worked quite satisfactorily from the time of its adoption in the year 1939, when it was strongly recommended by the Citizens School Committee then working for the support and betterment of our educational system.

This shortening of the term for which Board members are elected evidently failed to receive the critical study it should have had from its proponents and other friends of education, with the result that we now have one Board member whose term will expire in 1965 and four whose terms will end in 1967. This is decidedly unsatisfactory.

The currently proposed amendment, if adopted, would require the election of three Board members in the year 1967, and two in 1969. Thus it would still be possible for a majority of the five experienced Board members to be replaced by inexperienced persons at alternating biennial elections, with the risk of serious disruption in the continuity of proven education policies and practices.

The proposed amendment should be defeated, in order that a carefully drawn corrective amendment, to restore the six-year term, might be presented to the voters at the next municipal election. Delay in the adoption of such corrective amendment until the primary or regular election of 1965, will be of no disadvantage, as only one present Board member's term expires before 1967.

A "NO" vote is hereby recommended on Proposition P.

Douglas Young,  
Chairman of the Citizens School Committee of 1939, which  
recommended the six-year term then approved by the voters.



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

<b>PROPOSITION R. CITY OF SAN DIEGO CHARTER AMENDMENT. Repeal Section 224 of Charter of The City of San Diego relating to the repeal of Acts of the State of California inconsistent with the provisions of the Charter.</b>	<b>YES</b>	
	<b>NO</b>	

This proposition repeals Section 224, Article XIV of the City Charter. The portions to be deleted are printed in STRIKE-OUT TYPE.

~~Section 224. REPEAL OF INCONSISTENT ACTS. All Acts and parts of Acts of the laws of the State of California relating to The City of San Diego inconsistent herewith are hereby repealed as far as they apply to the said City.~~

**ARGUMENT FOR PROPOSITION R**

The Charter Review Committee recommended the repeal of Section 224 in furtherance of its proposals that the Charter of The City of San Diego should be brought up to date and unnecessary language should be eliminated. Section 224 is in conflict with provisions of the Constitution and laws of the State of California and serves no useful purpose. It should be repealed.

The City Council and City Attorney urge a YES vote.

FRANK CURRAN, Mayor	IVOR de KIRBY, Councilman, District 2	ALLEN HITCH, Councilman, District 4	JACK WALSH, Councilman, District 6
HELEN COBB, Councilman, District 1	HARRY F. SCHEIDLE, Councilman, District 3	TOM HOM, Councilman, District 5	EDWARD T. BUTLER, City Attorney

**ARGUMENT AGAINST PROPOSITION R**

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

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

<b>PROPOSITION S. CITY OF SAN DIEGO CHARTER AMENDMENT. Repeal Section 109 of Charter of The City of San Diego which establishes accounting requirements for municipally owned utilities.</b>	<b>YES</b>	
	<b>NO</b>	

This proposition repeals Section 109, Article VII of the City Charter. The portions to be deleted are printed in STRIKE-OUT TYPE.

~~Section 109. ACCOUNTS OF MUNICIPALLY OWNED UTILITIES. Accounts shall be kept for each public utility owned or operated by the City distinct from other City accounts and in accordance with the uniform classification of accounts, prescribed by the Railroad Commission of the State of California for such class of public utility, in so far as the same may be applicable to the accounts of municipally owned utilities. They shall show as nearly as possible the cost of any service furnished to or rendered by any such public utility by or to any other department of the City. They shall also show an estimate of the amount of ad valorem taxes, whether paid or not, that would be chargeable against the property if privately owned. There shall also be shown in such accounts the sinking fund or redemption requirements for all bonds hitherto or hereafter issued to obtain funds for the construction of the property of such public utility. The accounts shall show a proper allowance for depreciation on all property used in rendering utility service, and such depreciation shall be taken account of in fixing the charges made for service rendered by such utility. The purpose of such accounts shall be to show as nearly as may be the cost of rendering the service provided by such municipally owned utility. The Council may cause to be made and reproduced for public distribution reports showing the financial results of such City ownership and operation or such other information as the Council shall deem expedient.~~

## ARGUMENT FOR PROPOSITION S

This section establishes a detailed procedure of accounting for municipally-owned utilities in accordance with the policies and rules of state regulatory agencies. Such requirements are mandatory even in the absence of a charter provision. Further, the inclusion of this section offers no additional protection to bond purchasers. Therefore, in the interest of preserving and improving the Charter of The City of San Diego as a legally sound and concisely written basic law of the City, it is recommended that this unnecessary section of the Charter be repealed.

The City Council and City Attorney urge a YES vote.

FRANK CURRAN,

Mayor

HELEN COBB,

Councilman, District 1

IVOR de KIRBY,

Councilman, District 2

HARRY F. SCHEIDLE,

Councilman, District 3

ALLEN HITCH,

Councilman, District 4

TOM HOM,

Councilman, District 5

JACK WALSH,

Councilman, District 6

EDWARD T. BUTLER,

City Attorney

## ARGUMENT AGAINST PROPOSITION S

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

## PROPOSITION T

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

PROPOSITION T. CITY OF SAN DIEGO CHARTER AMENDMENT. Repeals Section 42; amends Article III; adds Article XV to Charter. Establishes local control of planning and zoning, appointment of one member of Planning Commission by each Councilman and one by Mayor, and removal procedures; grants planning and zoning legislative powers to Commission; provides for repeal of Commission ordinances by two-thirds vote of Council members within thirty days after adoption, and for repeal or amendment by unanimous vote thereafter; details procedures for notices, hearings and administration; requires grant of any requested variance by Commission, unless established by competent evidence that such variance is injurious to public health, safety or morals, or incompatible with existing development; presumption of non-injury is established by approval of two-thirds of property owners within 300 feet; places Planning Department under City Manager; provides for repeal by Commission of administrative decisions of City departments contrary to purposes and intent of this Article or ordinances, and directs City Manager to enforce Commission decisions; allows three-member committees to hear variances and administrative appeals.	YES
	NO

This proposition adds a new Article XV, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 to the Charter, repeals Section 42, Article V, and amends Article III by adding a new Section. The portions to be deleted are printed in STRIKE-OUT TYPE and the portions to be added are underlined.

## ARTICLE XV PLANNING AND ZONING

### Section 1. Intent and Purposes.

It is the intent of this Charter Amendment to consolidate and coordinate, in accordance with the terms of this Article, all present and future planning and zoning legislation, regulations and procedures into one comprehensive plan in order to carry out the following specific purposes:

- To preserve the character, and prevent downgrading, of residential areas.
- To segregate various types of compatible industrial and commercial uses into separate areas.

- (c) To provide simple and efficient planning and zoning administration by eliminating duplication of work by public employees; and to provide for speedy processing of applications for approval of plans, subdivision maps and requests for variances.
- (d) To encourage the development and most beneficial use of land and attract new and diversified industries and commercial enterprises to this area.
- (e) To preserve to the people maximum freedom in the use and development of property subject only to those restrictions necessary to protect the public health, safety and general welfare, or to prevent downgrading of residential areas.

## Section 2. Local Control.

All planning and zoning laws and regulations for the City of San Diego shall be governed exclusively by this Article of the Charter and no provisions of the General Laws or the Government Code of this State on the subject of planning and zoning shall be applicable to the City of San Diego.

## Section 3. City Planning Commission Established.

(a) APPOINTMENT OF MEMBERS: The City Planning Commission shall be organized as provided by this Charter. There shall be one (1) member from each Councilmanic District, plus one (1) member at large. Each member representing a Councilmanic District shall be appointed by the Council Member from that District, and the Mayor shall appoint the member at large.

(b) PRESENT PLANNING COMMISSION: The members of the Planning Commission heretofore appointed, and who were members thereof on the date of the approval of this Amendment, shall hold office until their current terms expire. Immediately following approval of this Amendment the Mayor shall appoint such additional members, each for a term of one (1) year, as may be required to constitute a full complement under this Article.

(c) STAGGERED TERMS: Each Council Member, in the numerical order of the Councilmanic Districts, shall appoint a member to fill each vacancy subsequently occurring by reason of the expiration of any term, or otherwise, until a member has been appointed from each Councilmanic District. The term for each such appointment, and all successive appointments thereafter, shall be for two (2) years.

(d) VACANCIES: Upon completion of any term, it shall be the duty of the elected official responsible for appointing the member whose term expired, to promptly appoint a member to fill the vacancy. Other vacancies occurring shall be filled by appointment for the unexpired portion of the term in the same manner.

(e) COUNCIL VETO OF APPOINTMENTS: Each appointment shall be publicly announced at a regular meeting of the Council and shall become effective on the seventeenth (17) day following such public announcement unless prior thereto the Council, by vote of at least a majority of the total members of the Council, vetoes the appointment. In the event the Council has vetoed three (3) successive appointments made by an elected official, it shall be the duty of the entire Council, at a regular meeting, to fill the vacancy by majority vote.

(f) REMOVAL: Any member of the Planning Commission is subject to removal by resolution adopted at a regular meeting of the City Council by the affirmative vote of not less than two-thirds ( $\frac{2}{3}$ ) of the total authorized members of the Council.

(g) OFFICERS AND EMPLOYEES: The Commission shall elect its Chairman and Vice-Chairman from among the appointed members. The Commission shall appoint a Secretary who need not be a member of the Commission.

(h) EX-OFFICIO MEMBERS: The City Attorney, the City Manager, the City Clerk, the City Engineer, Planning Director, Director of Building Inspection Department, and the Director of Public Works shall be members ex-officio of the Commission and each, or a designated representative, shall be present at each regular meeting, but none of said officials shall have a vote.

(i) MEETINGS: The Commission and the lawfully established committees thereof shall hold such regular

and special meetings as may be required to carry out the provisions of this Article. The Commission shall hold at least one (1) regular meeting every two (2) weeks at an established time and place. All meetings shall be open to the public and the Commission shall by resolution, adopt rules for the transaction of business and shall keep a public record of its resolutions, transactions, findings, determinations and legislative enactments.

#### **Section 4. Legislative Functions of the Commission.**

(a) **PROPERTY USE AND DEVELOPMENT:** The Planning Commission shall establish and define zones and enumerate the uses permitted therein, and shall establish and define all planning and zoning regulation for the use of land, including improvements and structures erected thereon, and shall divide the City, or portions thereof, into zones of the number, shape and area that are in fact best suited to carry out the intent and purposes of this Article.

(b) **ADMINISTRATIVE AND ENFORCEMENT PROCEDURES:** The Planning Commission shall establish and define procedures for the efficient administration and enforcement of all planning and zoning ordinances, including procedures for expediting the processing of plans, subdivisions maps, requests for zone changes, applications for variances and review of administrative and enforcement orders.

(c) **COMPREHENSIVE PLANNING AND ZONING GUIDE:** The Planning Commission shall, by ordinance, codify all planning and zoning ordinances into a separate part or chapter of the Municipal Code. When so codified, such Municipal Code, and all sections thereof, shall be admissible in all Courts as prima facie evidence of the due passage of the ordinances as codified. The Commission shall cause this Article, all planning and zoning ordinances, and all rules, regulations and procedures, to be published in a manual. There shall be included in the manual, written in plain language, a description of the procedures to follow with respect to filing plans, subdivision maps, requests for zone changes, initiation of zoning legislation, applications for variances and appeals.

#### **Section 5. Procedure for Adoption of Ordinances.**

(a) **COMMENCEMENT BY RESOLUTION:** Adoption of all planning and zoning regulations, administrative procedures, enforcement procedures and penalties and any general plan, including amendments of existing or hereafter enacted legislation, shall be commenced by resolution of the Commission, carried by the affirmative vote of not less than a majority of its total authorized voting members. Before adopting any such resolution, the Commission shall hold at least two (2) public hearings and notice shall be given as provided in this Article.

(b) **ADOPTION BY COMMISSION & VETO BY COUNCIL:** Each resolution duly adopted shall be submitted to the City Attorney, who shall prepare an ordinance and submit it to the Planning Commission within seven (7) days. The ordinance shall be subject to adoption by the affirmative vote of not less than a majority of the total authorized voting members of the Commission at the next or any subsequent regular meeting, and shall become effective on the thirtieth (30) day following adoption, unless set aside during said thirty (30) day period by resolution of the City Council adopted by the affirmative vote of not less than two-thirds ( $\frac{2}{3}$ ) of the total authorized voting members after a public hearing. At least five (5) days prior to said hearing, the City Council shall cause to be deposited in the United States mail, postage prepaid, a notice addressed to each member of the Planning Commission and to each person who appeared and addressed the Planning Commission at the public hearings held concerning the ordinance. After the ordinance has become effective, it shall not be subject to repeal or amendment by the City Council except by the affirmative vote of the total authorized voting members of the Council at a regular meeting following two (2) public hearings with notice given in the same manner as is required for adoption of an ordinance.

#### **Section 6. Emergency Measures.**

Notwithstanding any other provision of this Article, pending the study and adoption of permanent zoning restrictions in an area of land within the City or whenever the Commission by resolution duly adopted finds

that a dire emergency exists in any area, the Commission, by vote of a majority of the members present at a regular meeting in which a quorum is present, may, in the interest of protecting the public health, safety and welfare, adopt without prior notice after a single public hearing, as an emergency measure, a temporary interim zoning ordinance which shall be effective on the date of adoption and continue in effect until a permanent ordinance is duly adopted or amended, except that no temporary interim ordinance shall be of any effect for a period in excess of ninety (90) days after adoption. Notice of the adoption of a temporary interim zoning ordinance shall be published in a newspaper of general circulation in the City of San Diego within ten (10) days after its adoption.

### **Section 7. Limitations on Legislative Power.**

No planning or zoning ordinance shall contain any regulation, restriction or limitation which is not in fact reasonably necessary to protect the public health, the public safety or the public morals, or reasonably necessary to prevent uses so incompatible with existing development or permitted uses that injury to adjacent properties or the general neighborhood would result.

### **Section 8. Zone Variances.**

(a) **DUTY OF COMMISSION:** The Planning Commission shall grant any variance from the Zoning Provisions of the Municipal Code, Zoning Ordinances or Planning and Zoning Regulations, requested by any property owner, after a public hearing, unless it is established by a preponderance of competent evidence received at the hearing that the proposed use, or any proposed deviation that is denied, would:

- (1) Endanger the public health, or the public safety or be contrary to the public morals; or
- (2) Be incompatible with the existing development or permitted uses and, by reason thereof, injure adjacent properties or destroy the character of an area developed and used for residential purpose.

(b) **PRESUMPTION CREATED:** In the event the owners of two-thirds ( $\frac{2}{3}$ ) of the area of all privately owned property, within a radius of three hundred (300) feet of the exterior boundaries of all contiguous parcels of property owned by an applicant seeking a variance on any parcel thereof, approve in writing, it shall be presumed that the proposed use and/or each proposed deviation approved, would not injure adjacent properties or destroy the character of a developed residential area. For purposes of this Article, the lessee of property having a leasehold estate of record, which on the date of the application for variance, has a remaining term, including options to renew, of twenty (20) years or more, shall be deemed the owner of the property.

(c) **NOTICE AND HEARING:** A public hearing shall be held on all applications for zone variances and notice shall be given as provided in this Article.

(d) **TIME LIMITATION—DATE OF HEARING:** Unless the Commission establishes other procedures providing for an earlier hearing, any application for variance shall be heard at the first regular meeting of the Commission occurring more than fifteen (15) days following the filing of an application, and the City Manager shall cause notice to be given, as provided in this Article, within five (5) days following the filing of an application.

(e) **TIME LIMITATION—FINAL DECISION:** All hearings on applications for variances shall be concluded and a decision rendered within forty-five (45) days following the filing of the application. Failure to render a decision within the time specified shall, unless the time be waived in writing by the applicant, be deemed a decision granting the application.

(f) **WRITTEN FINDINGS:** A decision denying a variance, or any part thereof, shall be in writing and contain a separate finding for each use and each deviation granted or denied, and each finding shall state the ultimate facts relied on and a recital of the evidence in proof of such facts.

### **Section 9. Administration and Enforcement.**

(a) **CITY MANAGER:** It shall be the duty of the City Manager, as Chief Administrative Officer of the City, to administer and enforce the provisions of this Article and he shall:

- (1) Supervise the City Planning Department and appoint the Director thereof;
- (2) Supervise the administration and enforcement of all planning and zoning ordinances now existing or as hereafter amended, adopted and defined by the Planning Commission in accordance with the intent, purposes and provisions of this Article and the policies established by the Planning Commission;
- (3) Coordinate and expedite the planning, zoning and property development functions of the Planning Department, the Department of Public Works, the Department of Inspection, the City Engineer, and other City Departments under his jurisdiction.

(b) **THE CITY COUNCIL:** The City Council shall insure that the City Manager and the administrative branches of the City Government administer and enforce the provisions of this Article and all planning and zoning laws, regulations and procedures adopted hereunder. The City Council and the City Manager may establish regulations implementing the procedures adopted by the Planning Commission in order to provide effective coordination of the planning and zoning functions of all City Departments. No regulation or procedure shall be adopted which is inconsistent with any provision, or contrary to the intent or any of the purposes, of this Article.

(c) **APPEAL TO PLANNING COMMISSION:** The Planning Commission shall investigate and make a determination upon an appeal where it is alleged that any Department of the City has made any order, regulation, decision or requirement, in the enforcement or administration of the provisions of any planning or zoning ordinance which is contrary to the intent or any of the purposes or provisions of this Article or contrary to any provision in an ordinance adopted by the Planning Commission. Such appeal may be filed by any person aggrieved, and the Planning Commission shall hear and render a decision thereon within twenty (20) days following the filing of any appeal. The Commission shall set aside any order, decision or requirement that is in fact found to be contrary to the intent and purposes contained in this Article, or contrary to any ordinance adopted by the Commission. The City Manager shall insure that all departments under his jurisdiction promptly carry out and comply with all decisions of the Planning Commission rendered on an appeal.

## **Section 10. Committees and Judicial Review.**

The Commission may by resolution establish committees of three (3) members of the Commission to hear and determine applications for variances and appeals from actions of City Departments in administering and enforcing planning and zoning laws. All decisions of the Planning Commission, or any committee thereof, are subject to review by any Court of competent jurisdiction.

## **Section 11. Incidental Powers.**

Upon request, all public officials shall furnish to the Planning Commission, within a reasonable time, such available information as is required for the work of the Commission. The Planning Commission shall have such incidental powers as may be necessary to enable it efficiently to perform its planning and zoning functions, as provided in this Article.

## **Section 12. Public Hearings.**

(a) **CONDUCT OF HEARING:** All hearings required by this Article shall be open to the public and all interested persons shall be given an opportunity to be heard. All persons present shall be notified of the rules of procedure established for the orderly conduct of hearings and advised of their right to be heard. When the hearing involves determination by the Commission of any question of fact, such determination must be based only on competent evidence that is relevant and material to the fact or facts at issue. The competency, relevancy and materiality of evidence shall be determined in accordance with the Code of Civil Procedure of this State and the decisions of the Courts of this State, except that the Commission may adopt its own procedure for proving the authenticity of signatures on documents approving or objecting to any matter. All evidence received at the hearing and all rulings, decisions and actions of the Commission shall be reported by a certi-

fied shorthand reporter and shall be transcribed when directed by the Commission, or at the request of any party or interested persons, upon his prepayment of the fee established by ordinance.

(b) NOTICE BY PUBLICATION: The Planning Commission shall set a date for each public hearing and notice of the time, place and purpose of such hearing shall be given by the City Manager, by mail, as hereafter provided and by at least one (1) publication thereof, in a newspaper of general circulation of the City of San Diego, not less than ten (10) days prior to the date of each such hearing.

(c) NOTICE BY MAIL—ZONE CHANGES AND VARIANCES: For all hearings involving a change of zone or the inclusion or placing of property in a zone, and all applications for variances, notice by publication shall be given as provided in this Section, and in addition, there shall be deposited in the United States mail, postage prepaid, at least ten (10) days prior to the date of such hearing, a notice addressed to the record owners of each parcel of land within a three hundred (300) feet radius of the exterior boundaries of the areas subject to any zone change, or within three hundred (300) feet of the exterior boundaries of all contiguous parcels of property owned by an applicant seeking a variance on any parcel thereof, and notice shall be posted not less than ten (10) days prior to the date of the hearing in at least three (3) public places within the proposed district or zone or at one public place adjacent to the property subject to a zone variance.

(d) NOTICE BY MAIL—AMENDMENT OF ORDINANCES: For all hearings involving the amendment or adoption of any ordinance changing regulations or restrictions affecting the use of property in any zone, notice by publication shall be given as provided in this section and in addition, there shall be deposited in the United States mail, postage prepaid, at least ten (10) days prior to the date of such hearing, a notice addressed to the record owner of each parcel of land within the affected zone.

(e) CONTENTS OF NOTICE: Each notice given shall describe the specific change or variance which is the subject of the hearing, specify the time and place of the hearing, and contain a statement that any property owner may appear and be heard.

### Section 13. Existing Ordinances.

All zoning ordinances and resolutions existing on the date this Article is approved, and not inconsistent with any provision herein, shall continue in effect until repealed, amended or superseded by legislative enactment, duly adopted as provided in this Article.

Section 42. CITY PLANNING COMMISSION. The City Planning Commission shall be organized as provided by the laws of the State and have such powers and perform such duties as are prescribed by such laws. The duties of the Commission shall also include advising upon public buildings, bridges, retaining walls, approaches, park and harbor structures, the improvement of Pueblo lands and such other improvements as the Council may by ordinance determine. The Commission shall consist of seven (7) members appointed by the Mayor, subject to the confirmation of the Council. The City Engineer, and the City Attorney, or their designated representatives, shall be members ex officio, but neither of said officers shall have a vote. The members of this Commission shall serve without compensation for terms of two years or until their successors are elected and appointed and qualified.

Article III of this Charter is hereby amended to add the following Section:

"Notwithstanding any provision contained in Article III, with respect to the adoption of ordinances by the City Council, the provisions of Article XV shall govern all legislative action and ordinances on the subject of Planning and Zoning, and all such legislation shall be excepted from the provisions of Article III or any other Charter provision inconsistent with Article XV"

(Note: To be added as new Section 11.1.)

### ARGUMENT FOR PROPOSITION T

A "YES" vote on this Charter Amendment is absolutely necessary to protect your home, tax dollars and right to vote. Only this amendment will protect you from fast-buck urban renewal promoters out to make financial killings at your expense.

Unless this amendment is adopted, city officials could, without voter approval, create a super-powerful

urban renewal agency not responsible to the voters. This agency would have power to take acres of valuable property off the tax rolls through condemnation for resale or lease to urban renewal promoters for so-called redevelopment.

In other cities, land purchased with tax dollars has been resold to promoters by urban renewal agencies at less than one fourth the purchase price. This is flagrant misuse of government power of condemnation for private profit of promoters.

Urban renewal schemers already have plans to use such an agency to acquire valuable downtown San Diego property. By adopting this amendment they can be stopped. For this carefully drawn legislation establishes a sensible structure for local control of all matters involving planning, zoning and property uses in San Diego, leaving no area for federal planners and federal controls. You should zealously guard and never abdicate your constitutional right of local self-government. This amendment, initiated by petition of over 49,000 San Diego citizens, incorporates fundamental constitutional principles and safeguards to prevent arbitrary and discriminatory action. It assures all citizens equal treatment and imposes sensible limitations on governmental power. It simplifies procedures encouraging new industries to locate in San Diego. It protects residential property against downgrading.

Most of all, this amendment protects your right to vote. A "YES" vote now insures your right to a future vote on any tax-supported urban renewal project.

SENATOR JACK SCHRADE,  
Member California Legislature  
ASSEMBLYMAN E. RICHARD BARNES,  
Member California Legislature

VICE ADMIRAL ROBERT F. HICKEY,  
United States Navy, Retired  
MRS. GRACE LAWRENCE  
MRS. MARGARET C. FRANCIS

### ARGUMENT AGAINST PROPOSITION T

Proposition T is dangerous legislation forced again on the ballot by special interests. It must be defeated because:

1. PROPERTY VALUES WOULD BE THREATENED. The basic effect of this proposal is to require easy granting of special privilege and elimination of traditional planning and zoning safeguards. It would be necessary for individual property owners to constantly guard against variances and rezonings granted by the "default" and other irresponsible provisions.
2. IT IS BASICALLY UNSOUND LAW. It is confusing, contains excessive detail and suffers from serious omissions. Correction would require costly elections. The City Attorney has stated that the variance provision would "overturn established law."
3. IT IGNORES CITY PLANNING. Little or no provision is made for long-range overall city planning in the public interest.
4. IT WEAKENS REPRESENTATIVE GOVERNMENT. The Planning Commission would be politically oriented by regions, and would be granted abnormal legislative powers for appointed officials not responsible to voters.
5. RED TAPE WOULD BE CREATED AND NEW INDUSTRY REPELLED. Due to questions of legality, confusing detail and untested procedure, planning and zoning problems would be compounded. New industry would be repelled from a city where comprehensive planning and zoning concepts were constantly in jeopardy.
6. IT IS UNNECESSARY. Valid procedural changes for speed and efficiency can be adopted (and are now being considered) by the elected City Council as ordinances. Extensive charter revision is unnecessary.

Proposition T poses a serious threat to orderly development, economic stability, and representative government in San Diego. CITIZENS FOR GOOD GOVERNMENT is a coordinating council of many responsible organizations and individuals urging defeat of Proposition T.

CITIZENS FOR GOOD GOVERNMENT  
By: WALTER DEWHURST, Chairman  
(Former President S.D. Planning Commission)  
LEAGUE OF WOMEN VOTERS, SAN DIEGO  
By: MRS. ROBERT G. EASON, President  
AMERICAN INSTITUTE OF ARCHITECTS,  
SAN DIEGO CHAPTER  
By: ROBERT PLATT, President  
BUILDING CONTRACTORS ASSOCIATION  
By: CHARLES A. TAYLOR, Executive Director

SAN DIEGO BUILDING TRADES COUNCIL  
By: M. J. COLLINS, Secretary  
CITIZENS COORDINATE  
By: DOROTHEA MILES EDMISTON, President  
WILLIAM C. BERRY, Past President,  
East San Diego Chamber of Commerce  
HARRY C. HAELSIG,  
Planning Consultant