OFFICE OF THE CITY CLERK

REPORT

TO THE HONORABLE INTERIM MAYOR AND CITY COUNCIL

DATE: December 13, 2013   REPORT NO.: 13-07

SUBJECT: Docketing of Referendary Petitions – Resolution R-308445 and O-20312 and O-20313

On October 31, 2013, a representative for the proponent Port of San Diego Ship Repair Association filed with my office a referendary petition to repeal Resolution R-308445, a resolution pertaining to the Barrio Logan Community Plan. On November 27, 2013, a second petition was filed by this same proponent to repeal O-20312 and O-20313. Both petitions were filed "within thirty calendar days after the exercise of the final legislative act by the City Council," as required by Municipal Code section 27.1117.

Upon completion of a prima facie review, both petitions were accepted as filed, in accordance with Municipal Code section 27.1119, and delivered to the Registrar of Voters for signature verification. From the point that the petition was accepted as filed – October 31, 2013 for Resolution R-308445 and November 27, 2013 for Ordinances O-20312 and O-20313 – each legislative act is suspended per Municipal Code section 27.1130(a).

On Tuesday, November 19, 2013, the Registrar of Voters completed its verification of the petition signatures for R-308445 and provided the City Clerk with formal certification of the results. On Friday, December 13, 2013, the Registrar of Voters completed its verification of the petition signatures for O-20312/O-20313. The Registrar of Voters found that both petitions contained the valid signatures of at least five percent of the City's registered voters at the last general election, as required by Charter Section 23. This qualified the legislative act for either: (1) repeal by the City Council, or (2) direct submission to the electorate at a special election.

The Council's possible actions on a referendary petition are set forth in Municipal Code section 27.1131. That section states in part that if the petition is presented to the City

Council by the City Clerk at a Council meeting, the City Council "shall within ten business days reconsider the legislative act in question." Municipal Code section 27.1132 provides that if the City Council refuses to grant the referendary petition to repeal the legislative act, or fails to reconsider the act within the prescribed time frame, the Council shall, within ten business days of the date of refusal or of the deadline for action, whichever is earlier: (a) adopt a resolution of intention to submit the matter to the voters at a special election; and (b) direct the City Attorney to prepare an ordinance calling a special election to place the matter on the ballot.

The timing of such a special election is discussed in Municipal Code section 27.1133. That section specifies that, "A special election for a referended legislative act shall be consolidated with the next City-wide Primary or City-wide General Election at which the matter can be placed on the ballot; or at a separate special election called prior to that time for the purpose of voting on the matter." The next municipal election is the June Primary, which is scheduled to be held June 3, 2014.

Cost Estimate

Based on the most recent estimate from the Registrar of Voters received December 4, 2013, the cost of a 5-page ballot measure placed on the June 3, 2014 ballot would be between $157,000 - $200,000. The Barrio Logan Community Plan and various supporting documents (totaling over 200 pages) were circulated with the petition by the proponent. If this material was required to be printed as part of the sample ballot material, the cost would be closer to $1.0 - $1.3 million.

Elizabeth Maland
City Clerk

Attachment (City Clerk's Certificate)

cc: City Attorney
       Chief Operating Officer