

County of San Diego



Sample Ballot & Voter Information Pamphlet

PRIMARY ELECTION

TUESDAY, MARCH 2, 2004

ABSENTEE VOTERS:

- ✓ Save this pamphlet for voting; another will not be sent with your ballot

POLL VOTERS:

- ✓ Check back cover for your polling place. Polls open at 7 a.m. and close at 8 p.m.
- ✓ Don't wait! Call before Election Day if directions are needed or check www.sdvote.com
- ✓ Mark and take this pamphlet with you to the polls

Secretary of State will mail information
about the state propositions.

For election night results go to www.sdvote.com

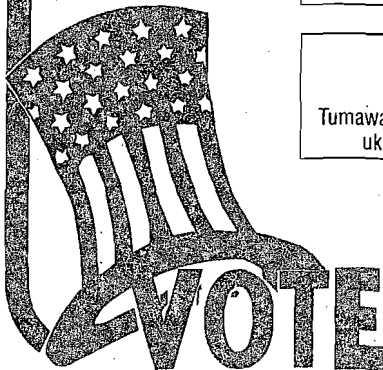
A Spanish-language Sample Ballot & Voter Information Pamphlet is available upon request. Call 858-565-5800.

Una Balota de Muestra y un Folleto de Información en Español esta disponible si lo solicita. Llame al 858-565-5800.

Call 858-565-5800 to ask about voting services that are available in Filipino.

Tumawag lang sa 858-565-5800 para sa inyong mga katanungan ukol sa mga serbisyo ng pagboboto sa wikang filipino.

Sally McPherson, Registrar of Voters
5201 Ruffin Road, Suite I
San Diego, CA 92123
858-565-5800 or 1-800-696-0136



OFFICIAL BALLOT
SAN DIEGO COUNTY, CALIFORNIA - PRIMARY ELECTION - MARCH 2, 2004
NONPARTISAN

COUNTY OF SAN DIEGO

CITY

PROP A - RURAL LANDS INITIATIVE Shall the Rural Lands Initiative, which requires any newly subdivided parcels on approximately 694,000 acres of rural land in northern and eastern San Diego County to be a minimum of 40, 80 or 160 acres, be approved?

YES

NO

CITY OF SAN DIEGO
PROP B - AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY ADDING SECTION 94.4, CONSTRUCTION MANAGER AT RISK CONTRACTS. Shall the City Charter be amended to permit the award of public works construction contracts using a combination of (1) design review and management services, and (2) construction and construction management services; for a guaranteed maximum price pursuant to a process of competitive negotiation conducted as required by the Charter or Municipal Code?

YES

NO

OFFICIAL BALLOT

SAN DIEGO COUNTY, CALIFORNIA - PRIMARY ELECTION - MARCH 2, 2004

NONPARTISAN

CITY

CITY OF SAN DIEGO

PROP C - EMERGENCY

**SERVICES, ROADS, PARKS, TOURISM
AND OTHER SPECIFIED USES**

ORDINANCE. Shall the City increase the transient occupancy tax (TOT) paid by hotel and motel visitors by 2.5%, and shall these funds, along with some current TOT funds, be earmarked to fund Fire-Rescue and Police emergency services, equipment and facilities; road improvements; park and coastal improvements; tourism promotion; and library and arts programs; and shall public audits be conducted of the uses of these funds?

YES

NO

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CITY OF SAN DIEGO

Proposition B

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

PROP B **AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY ADDING SECTION 94.4, CONSTRUCTION MANAGER AT RISK CONTRACTS.** Shall the City Charter be amended to permit the award of public works construction contracts using a combination of (1) design review and management services, and (2) construction and construction management services; for a guaranteed maximum price pursuant to a process of competitive negotiation conducted as required by the Charter or Municipal Code?

This proposition requires approval by a simple majority (over 50%) of the voters.

PROPOSED CHARTER AMENDMENT

The portions of the charter to be added are underlined and the portions to be deleted are printed in ~~strike-out~~ type.

SEC. 94.4 CONSTRUCTION MANAGER AT RISK CONTRACTS

Notwithstanding any provisions of this Charter to the contrary, the City is not prohibited from awarding contracts for the construction of public works using a combination of (1) design review and management services, and (2) construction and construction management services; procured from a single person or entity for a guaranteed maximum price pursuant to a process of competitive negotiation, provided the process of competitive negotiation is conducted as may otherwise be required by this Charter or the Municipal Code. The City Council shall establish by ordinance guidelines for the award, use, and evaluation of such construction manager at risk contracts, and may set an amount below which the City Manager may award such contracts.

OFFICIAL TITLE AND SUMMARY PREPARED BY THE CITY ATTORNEY

CONSTRUCTION MANAGER AT RISK CONTRACTS

Shall the City Charter be amended to permit the award of public works construction contracts using a combination of (1) design review and management services, and (2) construction and construction management services; for a guaranteed maximum price pursuant to a process of competitive negotiation conducted as required by the Charter or Municipal Code?

CITY ATTORNEY'S IMPARTIAL ANALYSIS

Section 94 of the City Charter currently requires that contracts for the construction, reconstruction or repair of public buildings, streets, utilities, and other public works be awarded to the lowest responsible and reliable bidder. Under this contracting method, the City provides plans and specifications, which are generally prepared by consultant design firms. Contractors then review the plans and specifications and submit sealed bids for the work. The contract is then awarded to the lowest responsible and reliable bidder.

The proposed Charter amendment would allow the City to award a public works contract to a construction manager who is at risk ["CM at Risk"] for delivering the project at a guaranteed maximum price. Although the City would continue to hire its own design consultant to draft plans and specifications for the project under the CM at Risk contracting method, the CM at Risk would be hired for a negotiated fee to collaborate with the City's design consultant in the early stages of design to ensure that (1) the design incorporates the value engineering ideas of the CM at Risk and (2) the plans and specifications are sufficiently detailed and complete so as to avoid construction change orders that increase project costs once construction has started. The CM at Risk would then propose a guaranteed maximum price for construction of the project, which the City could then accept or reject. Once the City accepts the CM at Risk's guaranteed maximum price, then the CM at Risk must construct the project in accordance with the completed design for the guaranteed maximum price. If the City rejects the CM at Risk's guaranteed maximum price, then the City could renegotiate with the CM at Risk, modify the scope of the project, or decline to construct the project.

Under this method of contracting, the CM at Risk would be selected in accordance with a competitive selection process and criteria set forth in an implementing ordinance that must be approved by the City Council after a public hearing process. The selection process may take into account an applicant's construction experience for similar projects, value engineering and constructability design experience, equal opportunity contracting outreach for subcontractors, qualifications, history of performance in constructing public works projects, as well as fees for value engineering and design constructability review. Therefore, the winning proposal would not necessarily be the proposal with the lowest price. The City Council might also establish, by ordinance, an amount below which the City Manager may award CM at Risk contracts without City Council approval.

CITY MANAGER'S FISCAL ANALYSIS

A precise fiscal impact analysis on the potential savings resulting from the implementation of "construction manager at risk" provisions is almost impossible due to the differences in the type, size and complexity of various construction projects. While not quantifiable, due to the increased collaboration between the City, the architect and construction manager that is mandated by the construction manager at risk process, and because the construction manager will be guaranteeing a project construction budget, meaningful savings on future City of San Diego construction projects using this method are anticipated.

ARGUMENT IN FAVOR OF PROPOSITION B

Proposition B will amend the City Charter to allow the City to obtain pre-construction and construction management services from a qualified construction manager that will provide a guaranteed fixed price and serve as-a single point of responsibility, contracting directly with subcontractors during construction.

REDUCES TAXPAYERS' COSTS ON CITY OF SAN DIEGO PROJECTS

- Controls project cost growth.
- Provides "value engineering" to maximize cost/benefit decisions.
- Completeness of design evaluated *before* construction begins.
- Requires coordination between design and construction professionals.
- Cost, schedule and materials are evaluated through collaborative teamwork.

PROVIDES A GUARANTEED FIXED PRICE

- The Construction manager is *at risk* for delivering a project for a guaranteed fixed price, and is responsible for cost over-runs.

ACCELERATES COMPLETION OF PROJECTS

- Facilitates speedy delivery of projects.

FACILITATES EQUAL OPPORTUNITY IN CONTRACTING

- Encourages the Construction Manager to conduct broad-based outreach and to assemble a construction team representative of San Diego's diverse construction community.
- Provides the Construction Manager with the flexibility to distribute construction dollars throughout the region's socio-economically diverse vendor and contractor community.

*Proposition B will **not** require the use of the Construction Manager At Risk method – it will merely make it available as one method project managers can use.*

The Construction Manager at Risk method is already used for projects in many cities, states, and by agencies of the federal government, San Diego should be able to cut costs too!!

VOTE YES ON PROPOSITION B TO REDUCE COSTS, BUILD HIGH QUALITY PROJECTS, AND REDUCE CONSTRUCTION TIME AND IMPACTS!

JIM MADAFFER
City Councilmember

LISA BRIGGS
Executive Director
San Diego County Taxpayers Association

RICKEY LASTER
President
Multi-Cultural Contractors Group

JOSE O. MIRELES
Executive Director
Latino Builders Association

ABDUR-RAHIM HAMEED
President/CEO
Black Contractors Association, S.D. Inc.

ARGUMENT AGAINST PROPOSITION B

Changing the City Charter is serious business. We are talking about permanently amending our "local constitution." However, the City Bureaucrats have purposely kept you, the voters, in the dark as to what Construction Manger (CM) at Risk means. Here are a few facts:

***CM-At Risk is not a recognized and legal project delivery method for cities in the State of California. That is why the City needs a charter change to allow it.**

***CM-At Risk simply means that the City of San Diego will be able to choose any contractor for any project and the California Public Contract Code, the code that protects fair competition and ensures that the taxpayer gets the lowest price, will no longer apply.**

***CM-At Risk provides large out-of-town contractors with the incentive to become "more friendly" to our elected officials so that they will be given prime city projects to build.**

***CM-At Risk will hurt local contractors, especially small contractors and their local work force.**

The proponents will say that the City is faced with too many cost over-runs and something must be done. Don't be fooled! Eliminating competitive bidding will not lower costs and this proposition has nothing to do with cost containment. If it did, the City would enact any of the numerous recommendations made by industry experts that actually would lower costs, prevent over-runs and save the taxpayers money. That is not what is being proposed.

This charter change is simply about making a few "Friends of City Hall" a lot of money at taxpayer expense. The only thing standing in their way is you – Vote no on Construction Manager-At Risk and tell the City Bureaucrats there will be no returning to the days when the proverbial "friends" got all the City contracts.

ANDREW BERG
National Electrical
Contractors Assn.

LISZA M. PONTES
American Subcontractors Association
San Diego County Chapter

JEFF ANDERSON
President
Engineering & General Contractors Assn.

CITY OF SAN DIEGO

Proposition C

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

PROP C EMERGENCY SERVICES, ROADS, PARKS, TOURISM AND OTHER SPECIFIED USES ORDINANCE.

Shall the City increase the transient occupancy tax (TOT) paid by hotel and motel visitors by 2.5%, and shall these funds, along with some current TOT funds, be earmarked to fund Fire-Rescue and Police emergency services, equipment and facilities; road improvements; park and coastal improvements; tourism promotion; and library and arts programs; and shall public audits be conducted of the uses of these funds?

This proposition requires approval by two-thirds of the voters.

Full text of this proposition follows the arguments.

CITY ATTORNEY'S IMPARTIAL ANALYSIS

The City Council has authorized the placement on the ballot a proposition seeking voter approval of a measure that would amend the City's Municipal Code by raising the Transient Occupancy Tax [TOT] from the current rate of 10.5% to 13%. The TOT is a tax paid by hotel and motel guests who reside for one month or less in a hotel or motel in the City. Because the revenues derived from raising the TOT rate would be dedicated for specific purposes, this ballot measure proposes a special tax as defined by article XIII C of the California Constitution. Accordingly, this ballot measure will take effect only if passed by two-thirds of the City's voters.

This ballot measure would require that one-half of all TOT revenues be allocated in the City Manager's budget for designated purposes. For every 13 cents projected for collection:

- a. Three quarters of a cent would go to a TOT Fire-Rescue Fund for the repair, replacement, and improvement of fire-rescue facilities, equipment, and infrastructure, over and above expenditure levels currently being used for such purposes;
- b. One quarter of a cent would go to a TOT Police Fund for Police facilities and equipment, over and above expenditure levels currently being used for such purposes;
- c. Three quarters of a cent, up to \$7,689,632, would go to the Police Department budget. Any amount projected for collection exceeding \$7,689,632 would go to the TOT Police Fund;
- d. Three quarters of a cent would go to a Community Infrastructure Fund for improvements to neighborhood roads, Mission Bay, and Balboa Park; open space acquisition; and the development of a Parks Systems Master Plan;
- e. One-half cent would go to the TOT Library System Fund for Library System facility improvements;
- f. One cent would go to the TOT Arts and Culture Fund for Arts and Culture projects, programs, and support of the Arts and Culture Commission; and,
- g. Two and one-half cents would go to the Tourism Marketing and Promotion Fund, from which allocations shall be made to the Convention and Visitors Bureau, the Convention Center, and other entities engaging in the promotion of San Diego as a tourist destination.

These allocations of TOT revenue may not be repealed or amended except by two-thirds vote of the City's voters, but may be temporarily suspended in the event of a public emergency as determined by two-thirds vote of the City Council. TOT revenues not subject to allocation may be used for general governmental purposes according to the discretion of the City Council.

This ballot measure would create a Tourism Promotion Review Board composed of representatives of the lodging and restaurant industries and the San Diego-Imperial Counties Labor Council. This Board would have responsibilities over the budget of the Tourism Marketing and Promotion Fund. Its budget would be submitted to the Council for approval, with the Council having the final authority to approve the budget, subject only to certain minimum funding levels.

ARGUMENT IN FAVOR OF PROPOSITION C

Our tax dollars have been wasted on pet projects while urgent needs – such as emergency fire helicopters – go unfunded. Prop. C prohibits such waste.

VISITORS PAY

Proposition C raises the hotel/motel tax paid by visitors by 2.5 percent – providing millions annually in *new funds* for urgent PUBLIC SAFETY and ROAD IMPROVEMENT priorities. It is supported by tourism businesses because it provides accountability for tourism revenues and NEW FUNDS to promote tourism and expand our economy.

UPGRADES 9-1-1 – REDUCES EMERGENCY RESPONSE TIMES

Major crimes are UP in San Diego yet DOWN in other major cities. Our firefighters, paramedics and 9-1-1 personnel are forced to work with obsolete, inadequate or simply inferior equipment and facilities.

San Diego now ranks near the bottom of major cities in emergency response times. Those critical extra emergency response minutes cost lives every year – *as recent fires have painfully reminded us*.

Proposition C earmarks \$20 million per year to address urgent public safety needs – putting money in a LOCK BOX that can only be used to:

- Upgrade our aging, outdated, 9-1-1 emergency network.
- Purchase new fire and paramedic equipment and new fire stations.
- Purchase modern police equipment and supplies.

These investments will help reduce crime and reduce emergency response times – saving lives and improving the safety of every local resident.

MILLIONS FOR NEIGHBORHOOD ROAD IMPROVEMENTS

Proposition C also earmarks millions annually for urgent neighborhood street and road improvements – helping to reduce traffic congestion.

With the city facing huge deficits these critical needs will go unfunded without Proposition C.

TAXPAYER PROTECTIONS

Proposition C protects taxpayers by:

- REQUIRING elected officials to spend the money as directed by the voters.
- MANDATING INDEPENDENT PUBLIC AUDITS to ensure the funds are spent as intended.

Vote YES on C – For a safer city and a stronger economy.

RON SAATHOFF
President
San Diego City Firefighters

BILL FARRAR
President
San Diego Police Officers Association

LISA BRIGGS
Executive Director
San Diego County Taxpayers Association

JESSIE KNIGHT
President
San Diego Chamber of Commerce

TERRY BROWN
Chairman
San Diego Lodging Industry Association

ARGUMENT AGAINST PROPOSITION C

Prop C, as an editorial in the Union-Tribune noted, is a “**badly flawed measure**” pushed by “**special interests**” that would place “off limits to the City Council” a “**huge chunk**” of the City’s revenues.

Is it any wonder that Mayor Dick Murphy and two other members of the Council voted against Prop C? The Mayor was quoted saying that Prop C “**limits the city’s flexibility to respond to the changing needs of our citizens.**”

Prop C mixes apples and lemons. Higher taxes on tourists may or may not be a good idea, but with Prop C, those taxes come at too high a price – a price extracted by special interests that shouldn’t be permitted to lock in city revenues free of the normal annual review during budget deliberations.

But Prop C isn’t just bad public policy. Prop C is a Trojan Horse, with provisions that will probably shock you.

For example, using recent estimates based on FY2004 by the City Manager, while Prop C would raise over \$26 million in new tax revenues, Prop C mandates where the City spend over \$68 million. **That’s right – Prop C locks in 2.6 times more spending commitments than it would raise.**

Prop C isn’t just bad public policy – it’s fiscal lunacy.

And, who gets the really big bucks out of Prop C? Fire? No! Police? Not according to the City Manager. The really big bucks go to the tourist industry. The so-called Tourism Fund is mandated by Prop C to receive – you have probably already guessed – over \$26 million, no doubt just by chance the same amount that the tax increase would raise.

Is it any wonder we think Prop C is corporate welfare at its worst?

Please join us and **Vote No On Prop C.**

RICHARD RIDER
Chair
San Diego Tax Fighters

KATHLEEN BLATTNER
Nurse Practitioner

J. BRUCE HENDERSON
President
Association of Concerned Taxpayers

EDWARD M. TEYSSIER
Chair
San Diego Libertarian Party

STEVEN CURRIE
Information Systems Manager

MUNICIPAL CODE AMENDMENT

That Chapter 3, Article 5, Division 1, of the San Diego Municipal Code is amended by repealing sections 35.0103, 35.0104, 35.0105, 35.0106, 35.0107, and 35.0108, which collectively have imposed a 10.5 percent transient occupancy tax for the privilege of occupancy in hotels, recreational vehicle parks, and campgrounds.

That Chapter 3, Article 5, Division 1, of the San Diego Municipal Code is amended by adding new section 35.0103, to read as follows:

§35.0103 Tax Imposed

For the privilege of Occupancy in any Hotel, any Recreational Vehicle Park, or any Campground, each Transient is subject to and shall pay a tax in the amount of 13 percent (13%) of the Rent charged by the Operator.

That Chapter 3, Article 5, Division 1, of the San Diego Municipal Code is amended by repealing sections 35.0128, 35.0129, 35.0130, 35.0131, 35.0132, and 35.0133, which collectively have established the process for utilizing revenues collected from transient occupancy taxes.

That Chapter 3, Article 5, Division 1, of the San Diego Municipal Code is amended by adding new sections 35.0128, 35.0129, 35.0130, 35.0131, 35.0132, 35.0135, 35.0140, 35.0141, 35.0142, and 35.0143 which sections may not be repealed or amended except at an election and by a two-thirds vote of the qualified voters of the City of San Diego, to read as follows:

§35.0128 Utilization of Revenues from Tax Imposed by Section 35.0103

- a. There are hereby created the following funds: TOT Fire-Rescue Fund, TOT Police Fund, TOT Community Infrastructure Fund; TOT Library System Fund; TOT Arts and Culture Fund, and Tourism Marketing and Promotion Fund.
- b. Except as set forth in section 35.0135, all revenues collected pursuant to the transient occupancy tax imposed by the City under section 35.0103 shall be utilized and expended solely in accordance with this section, as follows:
 - (1) Three quarters of a cent (\$0.0075) of every 13 cents projected for collection shall be included in the City Manager's budget for deposit in the TOT Fire-Rescue Fund to be appropriated by the City Council for the repair, replacement, and improvement of fire-rescue facilities, equipment, and infrastructure described in section 35.0129. Revenues from said TOT shall not be used for personnel stationed at existing facilities, but may be used to provide personnel related to new stations as described in section 35.0129. The TOT Fire-Rescue Fund budget shall be adjusted to actual revenues in the succeeding fiscal year.
 - (2) One quarter of a cent (\$0.0025) of every 13 cents projected for collection shall be included in the City Manager's budget for deposit in the TOT Police Fund to be appropriated by the City Council for the Police facilities and equipment described in section 35.0130. The TOT Police Fund budget shall be adjusted to actual revenues in the succeeding fiscal year.
 - (3) Three quarters of a cent (\$0.0075) of every 13 cents projected for collection, up to \$7,689,632, shall be allocated in the City Manager's budget for the Police Department. Any amount projected for collection that exceeds \$7,689,632 shall be allocated in accordance with the provisions of subsection (b)(2).
 - (4) Three quarters of a cent (\$0.0075) of every 13 cents projected for collection shall be included in the City Manager's budget for deposit in the Community Infrastructure Fund to be appropriated by the City Council as described in section 35.0131. The Community Infrastructure Fund budget shall be adjusted to actual revenues in the succeeding fiscal year.

- (5) One-half cent (\$0.0050) of every 13 cents projected for collection shall be included in the City Manager's budget for deposit in the TOT Library System Fund to be appropriated by the City Council solely for Library System facility improvements, except in any fiscal year that the TOT allocation for Library System facility improvements is less than the TOT allocation provided for in the Library System Financing Plan dated November 18, 2002, then the amount of the shortfall will be proportionately deducted from the amounts allocated pursuant to paragraph (4), (6) and (7) of this section and deposited into the TOT Library System Fund. The TOT Library System Fund budget shall be adjusted to actual revenues in the succeeding fiscal year.
- (6) One cent (\$0.01) of every 13 cents projected for collection shall be included in the City Manager's budget for deposit in the TOT Arts and Culture Fund to be appropriated by the City Council solely for Arts and Culture projects, programs, and administrative support of the Arts and Culture Commission. The TOT Arts and Culture Fund budget shall be adjusted to actual revenues in the succeeding fiscal year.
- (7) Two and one-half cents (\$0.025) of every 13 cents projected for collection shall be included in the City Manager's budget for deposit in the Tourism Marketing and Promotion Fund to be used in the manner described in section 35.0132. The Tourism Marketing and Promotion Fund budget shall be adjusted to actual revenues in the succeeding fiscal year.
- (8) All transient occupancy tax revenues not allocated pursuant to subsections (b)(1) through (b)(7) shall be used for general governmental purposes as the City Council may from time to time provide in accordance with the Charter of the City of San Diego and the City Council's Annual Appropriation Ordinance.

§35.0129 TOT Fire-Rescue Fund

Expenditures from the TOT Fire-Rescue Fund shall be in addition to and shall supplement current expenditure levels being used for fire protection equipment, communications systems, apparatus, deferred maintenance and facilities. Current expenditure levels are defined as Fiscal Year 2003 actual expenses increased annually by an amount equivalent to the annual percentage growth of the General Fund. However, in any given fiscal year the City Council may make a finding to waive the requirement to maintain current expenditure level funding, but only if revenue from the TOT Fire-Rescue Fund and any other funding dedicated for the purposes described in this section are found to be sufficient to meet the goals and objectives outlined in this section. Appropriations are eligible to be made from the TOT Fire-Rescue Fund as follows:

- (a) to purchase and maintain fire apparatus to replace the existing fleet; and
- (b) to purchase and maintain public safety communications systems and equipment, including a new Mobile Data Communications System to allow for greater efficiency and improved emergency response time; and
- (c) to eliminate the backlog of deferred maintenance on equipment, apparatus, and facilities; and
- (d) To develop a needs assessment to (1) identify funding requirements for maintenance of equipment, apparatus, and fire-rescue facilities; and (2) create a maintenance plan to ensure that current equipment, apparatus, and fire-rescue facilities do not become maintenance deferred once the backlog identified in the needs assessment has been eliminated; and
- (e) After funding is completed for priorities identified in subsections (a) through (d), to fund development of a long-term plan to address the goal of six-minute emergency response times in each community and neighborhood, including use of the funds for purchase of land, construction, equipment and apparatus, and personnel for new fire stations; and
- (f) Prior to implementing the long-term emergency response time plan, a maintenance account shall be established to pay for maintenance and repair on all new facilities and equipment; and

- (g) To maintain a reserve in the TOT Fire-Rescue Fund of no less than ten percent (10%) of the TOT funds projected for the fiscal year to be deposited into the TOT Fire-Rescue Fund.

§35.0130 TOT Police Fund

Expenditures from the TOT Police Fund shall be in addition to and shall supplement current expenditure levels being used for public safety equipment, communications systems, police vehicles, deferred maintenance and facilities.

Current expenditure levels are defined as Fiscal Year 2003 actual expenses increased annually by an amount equivalent to the annual percentage growth of the General Fund. However, in any given fiscal year the City Council may make a finding to waive the requirement to maintain current expenditure level funding, but only if revenue from the TOT Police Fund and any other funding dedicated for the purposes described in this section are found to be sufficient to meet the goals and objectives outlined in this section. Appropriations are eligible to be made from the TOT Police Fund as follows:

- (a) to purchase and maintain police vehicles to replace the existing fleet; and
- (b) to purchase and maintain public safety communications systems equipment; and
- (c) To eliminate the backlog of deferred maintenance on equipment, apparatus, and facilities; and
- (d) To develop a needs assessment to (1) identify funding requirements for maintenance of equipment, vehicles, and police facilities; and (2) create a maintenance plan to ensure that current equipment, apparatus, and police facilities do not become maintenance deferred once the backlog identified in the needs assessment has been eliminated; and
- (e) After funding is completed for priorities identified in subsections (a) through (d), TOT revenues shall be used to develop and implement a long-term plan to address the goal of maintaining two officers per 1,000 residents within the City of San Diego; and
- (f) Prior to implementing the long-term plan of officers per residents, a maintenance account shall be established to pay for maintenance and repair of police facilities and equipment; and
- (g) To maintain a reserve in the TOT Police Fund of no less than ten percent (10%) of the TOT funds projected for the fiscal year to be deposited into the TOT Police Fund.

§35.0131 TOT Community Infrastructure Fund

Appropriations are eligible to be made from the TOT Community Infrastructure Fund as follows:

- (a) Neighborhood Road Improvements. Twenty-three percent (23%) of revenue projected for deposit into this fund shall be budgeted for deferred maintenance of City roads and streets, and to mitigate traffic congestion on local neighborhood streets in the City of San Diego through the implementation of regular repairs and upgrades including in priority order, but not limited to, neighborhood intersection signal timing and synchronization, street resurfacing and slurry sealing, and regular street maintenance equipment purchases.
- (b) Mission Bay Improvements. Twenty-five percent (25%) of revenue projected for deposit into this fund shall be budgeted for the implementation and new construction of all capital projects described in and located within the boundaries of the Mission Bay Park Plan, as amended from time to time.
- (c) Balboa Park Improvements. Twenty-five percent (25%) of revenue projected for deposit into this fund shall be budgeted for implementation and new construction of all capital projects described in and located within the boundaries of the Balboa Park Master Plan, as amended from time to time.
- (d) Coastal Improvements. Seventeen percent (17%) of revenue projected for deposit into this fund shall first be budgeted as necessary to develop a Coastal Infrastructure Master Plan for coastal and lifeguard infrastructure capital projects. A

priority of the Coastal Infrastructure Master Plan shall be the completion of coastal erosion projects set forth in the City of San Diego Coastal Erosion Assessment Update from Sunset Cliffs to Torrey Pines State Beach, Document No. C-11542. After approval of the Coastal Infrastructure Master Plan by the City Council and certification by the California Coastal Commission, any funds projected for collection thereafter shall be budgeted for implementation and new construction of all capital projects described in and located within the boundaries of the Coastal Infrastructure Master Plan.

- (e) Open Space Acquisition. Ten percent (10%) of revenue projected for deposit into this fund shall be budgeted to acquire, maintain, and monitor property within the Multiple Habitat Planning Area's core biological resource areas and linkages as identified in the Multiple Species Conservation Program, and other designated park and open space.
- (f) Parks System Master Plan. For the first three years after this fund is established, from the revenue projected for deposit into this fund and allocated pursuant to subsections (b), (c), (d) and (e), an equal dollar amount from these allocations shall be deducted, not to exceed one quarter of a cent (\$.0025) of every 13 cents projected for collection pursuant to section 35.0128, and budgeted as necessary for the preparation of a Parks System Master Plan as proposed by the Park and Recreation Department Budget Working Group and more fully described in City Manager's Report No. 03-115, issued May 30, 2003.

§35.0132 Tourism Marketing and Promotion Fund

Appropriations are eligible to be made from the Tourism Marketing and Promotion Fund as follows:

- (a) Not less than fifty-five percent (55%) of the revenue projected for deposit into this fund shall be budgeted for use by the operating entity of the San Diego Convention and Visitors Bureau, to be used solely for the sales, marketing, advertising, promotions, public relations, operations, and administrative functions of the San Diego Convention and Visitors Bureau. Provided, further, that a minimum of fifty percent (50%) of the funds allocated under this subsection shall be used for sales and marketing functions, programs, and projects. This allocation of Transient Occupancy Tax shall supplement the revenue generated from the business operations and membership dues of the San Diego Convention and Visitors Bureau and shall be used solely for the sales, marketing, advertising, promotions, public relations, operations, and administrative functions of the San Diego Convention and Visitors Bureau. Should the San Diego Convention and Visitors Bureau cease to exist, this revenue shall be automatically, specifically, and exclusively allocated to its duly empowered successor, as determined by the City Council, whose sole purpose is to market and promote San Diego in order to increase the collection of the Transient Occupancy Tax.
- (b) Not less than twenty-two percent (22%) of the revenue projected for deposit into this fund shall be budgeted for use by the operating entity of the San Diego Convention Center, including any governmental entity, to be used solely for the operations, maintenance, and capital requirements (including capital and operating reserves and financing debt service for future capital projects) of the San Diego Convention Center. This allocation of Transient Occupancy Tax shall supplement the revenue generated from the business operations of the San Diego Convention Center and used solely for the operation, maintenance and capital requirements (including capital and operating reserves and debt service for future capital projects) of the San Diego Convention Center. Should the operating entity of the San Diego Convention Center cease to exist, this revenue shall be automatically, specifically and exclusively be allocated to its duly empowered successor, as determined by the City Council, that is identified as the operating entity of the San Diego Convention Center.
- (c) Not less than two and three tenths percent (2.3%) of the revenue projected for deposit into this fund shall be budgeted for use by the operating entity of the San Diego North Convention and Visitors Bureau, to be used solely for the sales, marketing, advertising, promotions, public relations, operations, and

administrative functions of the San Diego North Convention and Visitors Bureau. Provided, further, that a minimum of fifty percent (50%) of the funds allocated under this subsection shall be used for sales and marketing functions, programs and projects. This allocation of Transient Occupancy Tax shall supplement the revenue generated from the business operations and membership dues of the San Diego North Convention and Visitors Bureau to be used solely for the sales, marketing, advertising, promotions, public relations, operations, and administrative functions of the San Diego North Convention and Visitors Bureau. Should the San Diego North Convention and Visitors Bureau cease to exist, this revenue shall be automatically, specifically and exclusively allocated to its duly empowered successor, as determined by the City Council, or to the San Diego Convention and Visitors Bureau, should no successor exist.

- (d) The allocations described above in subsections (a) through (c) are subject to adjustment every five years by a concurring two-thirds vote of the Tourism Promotion Board and the San Diego City Council.
- (e) The balance of the revenue projected for deposit into this fund shall be budgeted for uses in furtherance of the purpose of generating the collection of additional Transient Occupancy Taxes by promoting tourism in the City of San Diego, and for no other purpose. In addition to the budget allocations described above in subsection (a) through (c), the initial budget shall include allocations to the following recipients: the San Diego Film Commission; Accessible San Diego; the San Diego African American Sports Association/Gold Coast Classic; the San Diego Bowl Game Association/Holiday Bowl; the San Diego International Sports Council; and the Major Event Revolving Fund and any successors thereto.
- (f) A contingency reserve shall be maintained within the Tourism Marketing and Promotion Fund of no less than 10 percent and no more than 30 percent of revenues projected for collection. Reserves shall be administered on recommendations made by the City of San Diego Tourism Promotion Review Board and a majority vote of the City Council.

§35.0135 Suspension of Section 35.0128

The City Council may temporarily suspend compliance with section 35.0128 and utilize the revenues from the tax imposed by section 35.0103 for general governmental purposes in the event of a public emergency, including any fiscal emergency, when it is declared and determined by the affirmative vote of at least two-thirds of the members elected to the Council that such a waiver is necessary in order to make General Fund expenditures to insure the safety and lives and property of the City or its inhabitants.

§35.0140 City of San Diego Tourism Promotion Review Board

There is hereby created the City of San Diego Tourism Promotion Review Board. The Board shall have review and advisory responsibility over the budgeting of all funds deposited into the Tourism Marketing and Promotion Fund, as provided in section 35.0132.

§35.0141 Membership of San Diego Tourism Promotion Review Board

The membership of the City of San Diego Tourism Promotion Review Board shall be appointed by the Mayor and confirmed by the Council and shall consist of seven (7) members as follows:

- (a) One (1) person appointed from a nominating slate of no less than three and no more than six persons submitted by the San Diego County Hotel and Motel Association who are owners of one or more lodging establishments.
- (b) One person (1) appointed from a nominating slate of no less than three and no more than six persons submitted by the San Diego County Hotel & Motel Association who holds the title of General Manager, or its functional equivalent, at one or more lodging establishments.
- (c) One (1) person appointed from a nominating slate of no less than three and no more than six persons submitted by the San Diego Lodging Industry Association who are owners of one or more lodging establishments.

- (d) One (1) person appointed from a nominating slate of no less than three and no more than six persons submitted by the San Diego Lodging Industry Association who holds the title of General Manager, or its functional equivalent, at one or more lodging establishments.
- (e) One (1) person appointed from a nominating slate of no less than three and no more than six persons submitted by the California Restaurant Association, San Diego Chapter, who owns an establishment licensed by the City to operate as a restaurant.
- (f) One (1) person appointed from nominating slates of two (2) persons each submitted by the San Diego Hotel & Motel Association, San Diego Lodging Industry Association, and the California Restaurant Association, San Diego Chapter, for a maximum of six nominees, who holds the title of General Manager, or its functional equivalent, at a major tourist destination located within the City.
- (g) One (1) person appointed from a nominating slate of no less than three and no more than six persons submitted by the San Diego-Imperial Counties Labor Council.

§35.0142 Terms of Members of the City of San Diego Tourism Promotion Review Board

- (a) The members of the City of San Diego Tourism Promotion Review Board shall serve without compensation for terms of four (4) years and until their successors are appointed and qualified. In order to provide for staggered terms, initial appointments to this Board shall be made so as to provide that the terms of office of two members shall be for four years; two members for three (3) years; two members for two (2) years; and one member for one (1) year. The staggering of terms will be established at the first meeting by a draw of lots.
- (b) Members of this Board may be re-nominated and reappointed, subject to the term limitations set forth in San Diego City Charter section 43(a). Members of the Board may be removed, for cause, by a two-thirds (2/3) vote of the City Council. If the status of a person appointed to this Board changes, so that he or she no longer serves in a representative capacity that would qualify for eligibility for appointment under section 35.0141 for membership on this Board, then his or her position shall be deemed vacant, and the Mayor shall appoint a qualified successor, selecting from the appropriate slate that provided the original nomination as provided in section 35.0141 to fill out the remainder of the unexpired term as provided in this section.
- (c) The Board shall have the power and authority upon a majority vote to annually elect a Chairperson.
- (d) A conflict of interest code shall be adopted for this Board. All members shall be required to complete and file a Statement of Economic Interests in accordance with the conflict of interest code. Failure to file a Statement of Economic Interests will be considered cause for removal.

§35.0143 Responsibilities and Duties of the San Diego Tourism Promotion Review Board

The City of San Diego Tourism Promotion Review Board shall have the following responsibilities and duties:

- (a) The Board shall prepare on an annual basis, by no later than April 30th of each year, a proposed funding budget, based on revenue projections provided by the City Manager, for the upcoming fiscal year for the allocation, application, and disbursement of 100 percent (100%) of the funds held in or to be paid to the Tourism Marketing and Promotion Fund. This budget shall be submitted to the Council for approval consistent with Article VII of the City Charter with the Council having the final authority to approve the budget, subject only to the minimum funding levels outlined in section 35.0132.
- (b) City staff supporting the San Diego Promotion Review Board, in conjunction with the City Manager and the City Auditor and Comptroller, shall be responsible for letting, administering and auditing all contracts awarded pursuant to the budget described in this section in accordance with City Policy 100-3. The City shall have the authority to audit any and all aspects of the contracts awarded, as well as any and all aspects of any other expenditures allocated by the Board.

- (c) The Board is authorized and empowered to take acts and actions necessary, in its discretion, in furtherance of the generation of Transient Occupancy Taxes in the City by the promotion of tourism in the City, including the power and authority, from time to time, to:
- (1) Evaluate the status and effectiveness of tourism promotion for the City; and
 - (2) Establish priorities in the allocation of funds from the Tourism Marketing and Promotion Fund; and
 - (3) Review and audit the programs of those entities that receive funding from the Tourism Marketing and Promotion Fund as a supplement to the audits referenced above in subsection (b) conducted by the City Auditor and Comptroller. This Board may establish criteria for the review and contract for a regularly scheduled performance audit of all recipients of revenue from the Tourism Marketing and Promotion Fund, relative to that portion of the recipients' budget represented by Tourism Marketing and Promotion Fund expenditures. The audit of a recipient shall occur no more frequently than biennially and at least once every four years. This audit shall be performed by a nationally recognized company qualified in this subject; and
 - (4) Adopt rules and regulations, consistent with applicable law, that relate to and otherwise guide the Board's operations and procedures.
- (d) The City of San Diego Tourism Promotion Review Board shall not duplicate, replicate or in any way replace or compete with the mission, programs or marketing responsibilities or activities of recipients of Tourism Marketing and Promotion Fund revenue.
- (e) The City of San Diego Tourism Promotion Review Board shall not, as a Board, engage in political activity.
- (f) All costs incurred in administering the activities of the City of San Diego Tourism Promotion Review Board, including, but not limited to, the cost of a contracted auditor(s), shall be paid annually from the Tourism Marketing and Promotion Fund, and shall represent no more than 2 percent of the total annual Tourism Marketing and Promotion Fund.
- (g) City overhead expenses allocated to and used for administering the City of San Diego Tourism Promotion Review Board and the Tourism Marketing and Promotion Fund will be included in the budget of the City of San Diego Tourism Promotion Review Board, and shall represent no more than 2 percent of the total annual Tourism Marketing and Promotion Fund.
- (h) All meetings of the City of San Diego Tourism Promotion Review Board shall be open to the public and all persons shall be permitted to attend except as to those matters exempted by the Ralph M. Brown Act (California Government Code sections 54950, et seq.).
- (i) The City of San Diego Tourism Promotion Review Board and City Council shall provide annual minimum funding for those organizations specified in section 35.0132.
- (j) Discretionary allocations by the City of San Diego Tourism Promotion Review Board shall follow these guidelines:
- (1) The balance of the annual distribution of Tourism Marketing and Promotion Fund revenue shall be provided and distributed directly related to the demonstrated return on investment (ROI) of recipient groups, organizations, and events.
 - (2) The Board shall establish and maintain a Tourism Contingency Reserve, into which all unallocated annual revenue shall be deposited and held in trust to be utilized for emergency purposes to maintain the level of tourism business in the City of San Diego. Except as provided in this section, the criteria for utilization of the funds of the Tourism Contingency Reserve shall be within the sole discretion of, be established, or changed only by a two-thirds vote of the Board. Upon recommendation of the Board, any disbursement of funds from the Tourism Contingency Reserve shall require a majority vote of the City Council.

That the amendments to Chapter 3, Article 5, Division 1, of the San Diego Municipal Code described in this proposition shall not take effect until July 1, 2004, and that in the event any of the amendments to Chapter 3, Article 5, Division 1, of the San Diego Municipal Code described in this proposition are found to be unconstitutional or otherwise repealed by act of law, that all amendments to Chapter 3, Article 5, Division 1, of the San Diego Municipal Code made effective by the passage of this proposition shall be null and void. In such event, all sections of Chapter 3, Article 5, Division 1, of the San Diego Municipal Code deemed repealed by this proposition shall return to full force and effect, and the City shall have the authority to collect a transient occupancy tax in the amount of 10.5% and allocate such revenues in the manner authorized prior to the passage of this proposition.

If, at the time this ballot measure is presented to the people for their approval, there is on the same ballot any additional ballot measures relating to an increase in transient occupancy taxes, and more than one ballot measure relating to an increase in transient occupancy taxes is approved by the voters, the ballot measure receiving the most votes shall be declared the prevailing measure, and shall be given full force and effect.

OFFICIAL BALLOT
SAN DIEGO COUNTY, CALIFORNIA - PRIMARY ELECTION - MARCH 2, 2004
NONPARTISAN

CITY OF SAN DIEGO

MAYOR
Vote for One

RON ROBERTS
County Supervisor

JIM BELL
Ecological Designer/Author/Lecturer

PETER Q DAVIS
Port Commissioner/Businessman

DICK MURPHY
Mayor, City of San Diego

Write-in

CITY ATTORNEY
Vote for One

MICHAEL J. AGUIRRE
San Diego Consumer Fraud Attorney

LESLIE DEVANEY
Executive Assistant City Attorney

DEBORAH L. BERGER
Deputy City Attorney

Write-in

CITY OF SAN DIEGO

MEMBER, CITY COUNCIL
DISTRICT NO. 1
Vote for One

SCOTT PETERS
San Diego City Councilmember

KATHRYN BURTON
Community Volunteer

PHIL THALHEIMER
Small Business Owner

Write-in

OF101336

1033 00382 10

N SD 034-011

**CITY OF SAN DIEGO
Mayor**



RON ROBERTS

County Supervisor

San Diego Police Officers Association, Deputy Sheriffs Association and Golden State Fire Fighters endorse **RON ROBERTS FOR MAYOR** because San Diego needs New Leadership.

FAILED LEADERSHIP IS ENDANGERING SAN DIEGO.

- City Hall ignored warnings fire and police were inadequately funded;
- City Hall under-funded the pension fund by nearly \$1 billion;
- City Hall failed to end the Charger "ticket guarantee", spending \$15+ million on empty seats while police and fire needs were ignored.
- Next year's projected budget shortfall: \$50 - 100 million!

RON ROBERTS WILL TURN SAN DIEGO AROUND.

RON ROBERTS turned the county around. In 1995, San Diego County was near bankruptcy. Ron and his colleagues brought in new management, cut waste, sold unproductive assets, and put the county on a firm financial footing. Today, the county has a top bond rating. Pensions are funded. *Governing Magazine* named San Diego the best-managed county in California.

RON ROBERTS arranged public and private funding for firefighting helicopters before the fires.

RON ROBERTS will

- Replace city management, starting at the top;
- Publicly Audit city finances;
- End the Charger "ticket guarantee"; and
- Fully fund Police and Fire!

RON ROBERTS FOR MAYOR

Tough Enough to Turn San Diego Around!

ENDORSED BY POLICE AND FIRE FIGHTER ORGANIZATIONS

**CITY OF SAN DIEGO
Mayor**



JIM BELL

**Not Bought, Packaged, or For Sale
The Right Mayor For Challenging Times**

As Mayor I will:

- 1. Make our city and region, energy, water and food self-sufficient as soon as possible. Why? Because any serious disruption in our supply of these essentials will make every other problem we have much worse. Currently we import 98 percent of our energy and 90 percent of our water and food — not a secure position for 6 million people living in the San Diego/Tijuana region to be in, considering the craziness and uncertainty of today's world.**
- 2. Stop selling the public's land. When we sell public lands we get a one time payment. When we lease it out, it generates public income forever.**
- 3. Eliminate floodplain development. It endangers people and property and will inevitably hurt everyone economically.**
- 4. Build sufficient affordable housing, fix roads, sewers, storm drains, clean up trash, reduce crime, and make our city run more efficiently and cost effectively.**

I'm the only candidate with a published cost-effective plan to create a sustainable economy in our city and region.

For plan details, visit www.██████████ or check my book, LONG RANGE PLANNING, out at your library.

**CITY OF SAN DIEGO
Mayor**



PETER Q DAVIS

**Chairman, Port Commission
Businessman**

There is a Leadership Gap at City Hall

- Fire department is under-funded, under-equipped
- Crime is rising. City is NOT hiring new Police
- Traffic is worsening
- City Hall ethics questioned
- Neighborhoods neglected
- Too many secret meetings

Peter Q Davis – Proven Leadership

Port Commission Chairman, civic leader, successful businessman, CEO of local Bank of Commerce, for nearly 40 years, Peter Q Davis has produced positive change for San Diego.

- Led downtown revitalization – Horton Plaza, Gaslamp, Ballpark
- Bank he led provided loans creating thousands of jobs
- Leading lender to small businesses owned by women and communities of color
- Past President Honorary Deputy Sheriffs' Association
- Army Reserves

Mayor Peter Q Davis

- Will make Police/Fire/Lifeguard Number One Priority
- Will oppose giving taxpayers dollars to Chargers for new stadium
- Will clean up polluted beaches, bays
- Financial expertise to balance city's budget

"We have a leadership gap at city hall that is affecting everything from public safety to potholes. We need decisions made and problems solved, and I can do the job. Working together we will improve the quality of life for all San Diegans."

Peter Q Davis

**Peter Q Davis for Mayor
Leadership-Integrity-Results – NOW!**

www [REDACTED]

**CITY OF SAN DIEGO
Mayor**



MAYOR DICK MURPHY

Mayor Dick Murphy promised you results in 2000. He is delivering on those promises!

Promises

- Establish an Ethics Commission
- Reduce traffic congestion
- Neighborhoods to be proud of
- Clean up beaches and bays
- Find an airport solution
- Complete the ballpark
- Rebuild the library system
- America's safest city
- Pursue energy independence
- Complete open space system

Accomplishments (partial list)

- Ethics Commission established
- State Route 56 opens 2004
- Overhead power line undergrounding tripled
- Sewer spills and beach closures down 50%
- Regional Airport Authority created
- Downtown ballpark opens 2004
- 24 branch libraries being rebuilt
- San Diego's crime rate lowest among big cities
- Solar Energy Plan implemented
- San Diego River Conservancy created

Mayor Murphy's record of keeping promises makes him **the best Mayor for San Diego's future.** He will improve fire protection, reform the pension system, and stand up to the Chargers.

Mayor Murphy has the background, experience, and integrity to provide effective leadership in these challenging times:

- Superior Court Judge (1989-2000)
- Military veteran
- Stanford Law School JD
- Harvard Business School MBA
- Married/three children

For a mayor who will pursue economic prosperity and protect your quality of life,

Re-elect Mayor Dick Murphy.

Endorsed by the Sierra Club and more than 1,000 individuals and organizations.

www. [REDACTED]

OFFICIAL BALLOT
SAN DIEGO COUNTY, CALIFORNIA - PRIMARY ELECTION - MARCH 2, 2004
NONPARTISAN

CITY OF SAN DIEGO

MAYOR
Vote for One

RON ROBERTS
County Supervisor

JIM BELL
Ecological Designer/Author/Lecturer

PETER Q DAVIS
Port Commissioner/Businessman

DICK MURPHY
Mayor, City of San Diego

Write-in

CITY ATTORNEY
Vote for One

MICHAEL J. AGUIRRE
San Diego Consumer Fraud Attorney

LESLIE DEVANEY
Executive Assistant City Attorney

DEBORAH L. BERGER
Deputy City Attorney

Write-in

CITY OF SAN DIEGO

MEMBER, CITY COUNCIL
DISTRICT NO. 1
Vote for One

SCOTT PETERS
San Diego City Councilmember

KATHRYN BURTON
Community Volunteer

PHIL THALHEIMER
Small Business Owner

Write-in

OF101336

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N SD 034-011

**CITY OF SAN DIEGO
City Attorney**



MIKE AGUIRRE

San Diego Consumer Fraud Attorney

NO MORE privileged few controlling City Hall.
NO MORE backroom deals.
NO MORE ticket guarantees.

Mike Aguirre is a former **Assistant U.S. Attorney** and **Counsel to the U.S. Senate Subcommittee on Investigations**. For 27 years he has exposed governmental and corporate waste, fraud, and abuse, recovering \$250,000,000 for pension and fraud victims.

MIKE AGUIRRE – INDEPENDENCE AND EXPERIENCE TO REFORM CITY HALL

His Record:

- * In 1997 warned City Officials **Chargers' agreement would cost taxpayers millions**
- * Took ENRON and electricity manipulators to Court
- * Prevented City Council from conducting secret meetings
- * Expanded **citizens' right to speak** at Council meetings

Mike Aguirre will:

- * Stop diversions of public funds from fire and public safety
- * Draft and enforce City contracts to benefit taxpayers
- * Protect neighborhoods by strong community law enforcement

Education:

- * Law, UC, Berkeley
- * Masters Public Administration, Harvard
- * Certified Fraud Examiner

Endorsements:

Donna Frye
San Diego Labor Council
League of Conservation Voters
Pan-Asian and Latino Attorney Associations

I am a third generation San Diegan. I raised my son Arthur, a college sophomore, and my daughter Emilie, a high school senior, in San Diego. With your vote we can make the city we love even better. Thank You, Mike

www [REDACTED]

**CITY OF SAN DIEGO
City Attorney**



LESLIE DEVANEY

Executive Assistant City Attorney

PROFESSIONALISM, NOT POLITICS

I am the only candidate with proven experience and working knowledge of the role and responsibilities of the City Attorney. I have:

- Managed this office of over 340 attorneys and staff
- Prosecuted over a hundred criminal cases
- Served as a court-appointed arbitrator
- Litigated major cases in public and private practice

As City Attorney, I will:

RESTORE TRUST IN CITY HALL

Decisions made behind closed doors contribute to public distrust of government. I will ensure closed sessions are used only as the law intends, not to protect decision-makers from public scrutiny or controversy.

REVIVE OUR NEIGHBORHOODS

From code enforcement to shutting down street racing and gang activity, I will use the office to keep your neighborhoods safe, expand the Family Justice Center to support victims of domestic violence, and ensure police officers have the support they need.

REAFFIRM THE CITY ATTORNEY'S ROLE

The City Attorney's duty is to provide fair, objective legal advice, defend the city and taxpayers against law suits, and prosecute criminals – NOT to set city policy. That's the job of the mayor and council. My only agenda is to uphold the City Charter and protect your interests.

**CITY OF SAN DIEGO
City Attorney**



DEBORAH BERGER

Deputy City Attorney

1,345 fire fighters.

1,205 police officers.

9 new parks.

That's what a recent \$100 million verdict against the City could cost taxpayers. San Diego cannot afford bad legal work that keeps us from funding crucial neighborhood services – new fire equipment, repaved streets and upgraded sewers.

That's why we need **DEBORAH BERGER** for City Attorney.

DEBORAH BERGER -- Experienced Legal LEADER.

The most qualified candidate. DEBORAH BERGER has spent 18 years fighting to reform the City Attorney's office and working on community issues, including protecting our water supply and making utilities pay their share of undergrounding costs.

DEBORAH BERGER -- Protecting YOUR tax dollars.

No more secret deals, expensive legal losses or bad contracts! Let's spend your tax dollars on safe neighborhoods, clean environment and traffic congestion.... **not Charger ticket guarantees.**

- Daughter of Navy pilot killed in action.
- Former bilingual school teacher.
- Judge Pro Tem.
- UCLA Magna Cum Laude.
- Boardmember YWCA, YMCA, United Way Executive Committee.
- Member, Sierra Club... League of Women Voters...Rotary.
- Former business manager.

"We can trust Deborah to protect our tax dollars and our neighborhoods."
Jerry Sanders, Former Police Chief and Lucy Killea, Former State Senator.

Deborah Berger - The Best Lawyer for San Diego



OFFICIAL BALLOT
SAN DIEGO COUNTY, CALIFORNIA - PRIMARY ELECTION - MARCH 2, 2004
NONPARTISAN

CITY OF SAN DIEGO

MAYOR
Vote for One

RON ROBERTS
County Supervisor

JIM BELL
Ecological Designer/Author/Lecturer

PETER Q DAVIS
Port Commissioner/Businessman

DICK MURPHY
Mayor, City of San Diego

Write-in

CITY ATTORNEY
Vote for One

MICHAEL J. AGUIRRE
San Diego Consumer Fraud Attorney

LESLIE DEVANEY
Executive Assistant City Attorney

DEBORAH L. BERGER
Deputy City Attorney

Write-in

CITY OF SAN DIEGO

MEMBER, CITY COUNCIL
DISTRICT NO. 1
Vote for One

SCOTT PETERS
San Diego City Councilmember

KATHRYN BURTON
Community Volunteer

PHIL THALHEIMER
Small Business Owner

Write-in

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N SD 034-011

CITY OF SAN DIEGO
City Council – District No. 1



SCOTT PETERS

San Diego City Councilmember
Former Environmental Attorney
Married, two children

RESTORING TRUST

“I support Scott Peters because of his integrity, intelligence and leadership. Scott is dedicated to making our city a better place.”

-- **Mayor Dick Murphy**

PROTECTING OUR ENVIRONMENT

- Reduced sewer spills and beach closures by over 50%
- Received A+ on San Diego Baykeeper’s Water Quality Report Card
- As Coastal Commissioner, protects beaches and coastal resources
- **Endorsed by Sierra Club and League of Conservation Voters**

FIGHTING TRAFFIC CONGESTION

- Kept SR 56 on track to open this July
- Opened Camino Del Sur interchange and Vista Sorrento Parkway years ahead of schedule
- Fixed La Jolla Parkway (Ardath)/Torrey Pines Road bottleneck

EXPANDING PARKS AND OPEN SPACE

- Built three tot lots and turfed fields for our kids
- Opened five new community parks, including two dog parks
- Secured 538 acres for Black Mountain Open Space Park

KEEPING NEIGHBORHOODS SAFE

- Created the plan to upgrade police and fire equipment and facilities
- **Endorsed by San Diego Police Officers, Fire Fighters and Deputy Sheriffs’ Association**

“I’ve taken on tough issues to ensure your quality of life is preserved and our economy remains healthy. I will continue working to keep San Diego prosperous and beautiful for our children and grandchildren.”

--Scott Peters



**CITY OF SAN DIEGO
City Council – District No. 1**



KATHRYN BURTON

As a Community Planning Board Chair and a former federal attorney, **I understand the difference between government that works for citizens and one that performs for the benefit of special interests.** Too much city business takes place behind closed doors. Too many secret deals are brokered by lobbyists who raise thousands in campaign contributions. Too much development is approved without public input.

As a parent, I have a long standing commitment and record of real planning and environmental protection for our children:

- * Torrey Hills Planning Board, Chair
- * San Diego Community Planners Committee, Vice-Chair
- * Torrey Hills Community Coalition, Co-founder
- * Friends of Carmel Mountain Preserve, Board of Directors
- * Friends of Salk Coastal Canyon, Chair
- * 25-year member Sierra Club
- * Board Member UCSD International Center Nursery School

As a community advocate, I support slow responsible growth:

- * No further densification without public facilities
- * Strengthen illegal grading laws

Government's job is public protection. Diverting public funds to special interests harms our neighborhoods.

Let's get our priorities straight:

- * Public services, parks and public transportation
- * More Police and Firefighters
- * Clean beaches
- * Protection of public funds -no more backroom sports deals

Communities need a voice at City Hall. I will be that voice. Thank you.

Kathryn Burton



**CITY OF SAN DIEGO
City Council – District No. 1**



PHIL THALHEIMER

**Small Business Owner
Town Council Member
Planning Board Member**

City Hall is beholden to Special Interest

- Fire department under equipped
- Violent Crime rising. Fewer Police on Streets
- Traffic choking our streets
- Public Services being reduced
- Sewage/Toxins polluting beaches
- Developments out of scale with Neighborhoods
- Charger's litigation could cost taxpayers more than ticket guaranteee

Phil Thalheimer for City Council

- Successful Small Business owner
- Elected Town Council/Planning Board Member
- Board Member YMCA
- Wife Jennifer works at Qualcomm
- Daughter Arianna 3, loves to play at beaches & parks

Phil Thalheimer: "For Neighborhoods, Not Special Interests"

Dear Neighbor:

As your Councilman I will focus city resources on neighborhood services; parks, beaches, libraries, police, lifeguard and fire departments.

I will oppose development projects that violate our neighborhood community plans, increasing traffic.

I will not take one penny of lobbyist/developer campaign contributions.

City Hall is cutting library, park and recreation hours, and we are on track to lose dozens of police officers this year. But the City Council has found the funds to raise their own salary. Please join my campaign to put neighborhoods first.

Phil Thalheimer

Phil Thalheimer for City Council

OFFICIAL BALLOT
SAN DIEGO COUNTY, CALIFORNIA - PRIMARY ELECTION - MARCH 2, 2004
NONPARTISAN

SCHOOL	CITY OF SAN DIEGO
<p align="center">SAN DIEGO UNIFIED SCHOOL DISTRICT MEMBER, BOARD OF EDUCATION DISTRICT D Vote for One</p> <p><input type="checkbox"/> LUIS ACLE Parent/Teacher</p> <p><input type="checkbox"/> BENJAMIN HUESO Community Development Specialist/Parent</p> <p><input type="checkbox"/> Write-in</p>	<p align="center">CITY ATTORNEY Vote for One</p> <p><input type="checkbox"/> LESLIE DEVANEY Executive Assistant City Attorney</p> <p><input type="checkbox"/> DEBORAH L. BERGER Deputy City Attorney</p> <p><input type="checkbox"/> MICHAEL J. AGUIRRE San Diego Consumer Fraud Attorney</p> <p><input type="checkbox"/> Write-in</p>
CITY OF SAN DIEGO	MEMBER, CITY COUNCIL DISTRICT NO. 3 Vote for One
<p align="center">MAYOR Vote for One</p> <p><input type="checkbox"/> PETER Q DAVIS Port Commissioner/Businessman</p> <p><input type="checkbox"/> DICK MURPHY Mayor, City of San Diego</p> <p><input type="checkbox"/> RON ROBERTS County Supervisor</p> <p><input type="checkbox"/> JIM BELL Ecological Designer/Author/Lecturer</p> <p><input type="checkbox"/> Write-in</p>	<p><input type="checkbox"/> JOHN HARTLEY</p> <p><input type="checkbox"/> GONZALO GARCIA</p> <p><input type="checkbox"/> TONI ATKINS City Councilmember/Deputy Mayor</p> <p><input type="checkbox"/> Write-in</p>

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CITY OF SAN DIEGO
City Council – District No. 3



JOHN HARTLEY

John Hartley believes that our neighborhoods are not getting their fair share of help or support from the City.

While the City caters to special interests, pouring millions downtown and wasting millions in giveaways - like the Charger ticket guarantee, basic neighborhood needs like street and sidewalk repairs and streetlights go unmet.

IT'S TIME TO CHANGE THE CITY'S PRIORITIES!

IT'S TIME TO PUT OUR NEIGHBORHOODS FIRST!

John Hartley has served our neighborhoods for more than 20 years, as a community leader:

President/Board Member - El Cajon Boulevard Business Assn.

Business Alert Coordinator - El Cajon Blvd

Co-founder El Cajon Blvd Business Improvement Districts

Coordinator 1988 District Elections Campaign

As a City Councilmember:

Created first Citizens Patrol

Created first Police Satellite Storefront

Created Mid-City for Youth

Created Safe Neighborhoods

Led City Council efforts creating the Human Relations Commission and enacting the Human Dignity Ordinance

Now, instead of retiring, consulting or lobbying, John Hartley is still advocating for our neighborhoods.

Spearheaded campaign saving the Adams Avenue Police Satellite Storefront

Working on campaign finance reform

Serving with Kensington/Normal Heights Friends of the Library and the Kensington/Talmadge Community Association

Vote To Put Our Neighborhoods First! - Vote for John Hartley for City Council

**CITY OF SAN DIEGO
City Council – District No. 3**



MR. G. GARCIA

City Council Candidate

Mr. G's vision for the future . . .

- **My vision:** Provide efficient, responsible management of the city's resources.
 - **Priority1:** Ensure consumer protection, public safety, economic growth, without raising taxes.
 - **Revitalize business districts:** Remove sex/nude clubs near our homes, schools, churches, and business districts.
 - **Stop Crime:** Strengthen our police department, decrease truancy; increase recreation programs for youth.
 - **Education:** Provide educational alternatives against crime, gangs, and drugs.
-

. . . And his Plan for the Present.

- **Infrastructure:** Strengthen the district's development corporations. Repair our streets and sidewalks.
 - **Customer Service Skills:** Make San Diego employees the friendliest in the country.
 - **Create Ecotourism Commission:** Promoting responsible ocean and costal tourism and recreation.
-

Dear Friends,

I was born in Cuba, and studied Law at the University of Havana. I fled communism in 1960. Paula is my beautiful daughters name. The U.S. gave me the freedom to build a new life.

A retired businessman and resident of the 3rd District for over 20 years, I will bring business decision skills and a lifetime of experience to city hall.

Your vote is my endorsement to bring integrity, and service, to you. Thank you.

Mr. G. Garcia



**CITY OF SAN DIEGO
City Council – District No. 3**



TONI ATKINS

City Councilmember/Deputy Mayor

Real Commitment. Real Results.

Toni Atkins has a proven record of real results as your Councilmember. She cares about our communities and is committed to solving our toughest problems.

TONI'S COMMITMENT: Safer Neighborhoods. Partnered with Police to bring back Neighborhood Watch. Fought funding cuts for police and fire. Toni is the **ONLY** candidate trusted by those we trust to protect us – San Diego Police Officers Association and San Diego City Firefighters.

- **RESULTS:** Crime is down in our neighborhoods.

TONI'S COMMITMENT: More Affordable Housing. Many San Diegans cannot afford to live in our communities. Toni led the effort to increase affordable housing. She required developers to build 10% of homes as affordable, and secured \$55,000,000 for affordable housing.

- **RESULTS:** 2200 affordable housing units are being built in San Diego.

TONI'S COMMITMENT: Fighting for Children, Families, Seniors. Repaired sidewalks . . . Kept libraries open . . . Built parks . . . Protected open space . . . Planted trees . . . Funded after-school programs . . . Improved senior centers.

- **RESULTS:** Protected free after-school programs for children; Secured \$20,000,000 for our neighborhood parks; Ensured funding wasn't cut for libraries and senior centers.

Toni will continue to tackle the real challenges ahead and get REAL RESULTS!

Re-Elect Toni Atkins for City Council.



OFFICIAL BALLOT
SAN DIEGO COUNTY, CALIFORNIA - PRIMARY ELECTION - MARCH 2, 2004
NONPARTISAN

CITY OF SAN DIEGO

CITY ATTORNEY
Vote for One

DEBORAH L. BERGER
Deputy City Attorney

MICHAEL J. AGUIRRE
San Diego Consumer Fraud Attorney

LESLIE DEVANEY
Executive Assistant City Attorney

Write-in

MEMBER, CITY COUNCIL
DISTRICT NO. 5
Vote for One

BRIAN MAIENSCHIN
San Diego City Councilmember

Write-in

MEASURES SUBMITTED TO THE VOTERS

STATE

PROP 55 KINDERGARTEN-UNIVERSITY PUBLIC EDUCATION FACILITIES BOND ACT OF 2004. This twelve billion three hundred million dollar (\$12,300,000,000) bond issue will provide funding for necessary education facilities to relieve overcrowding and to repair older schools. Funds will be targeted to areas of the greatest need and must be spent according to strict accountability measures. Funds will also be used to upgrade and build new classrooms in the California Community Colleges, the California State University, and the University of California, to provide adequate higher education facilities to accommodate the growing student enrollment. These bonds may be used only for eligible projects. Fiscal Impact: State costs of about \$24.7 billion to pay off both the principal (\$12.3 billion) and interest (\$12.4 billion) costs on the bonds. Payments of about \$823 million per year.

YES

NO

**CITY OF SAN DIEGO
City Council – District No. 5**



BRIAN MAIENSCHIN

City Councilmember

Preserving our quality of life

- Spearheaded SR-56 project – ensured completion.
- Secured additional funds for I-15 widening, managed lanes.
- Opposed inappropriate developments that would have further clogged roads with thousands more cars.
- Authored San Pasqual Valley Vision Plan to permanently protect over 11,000 acres from development.

Protecting tax dollars

- Opposed water rate increase and utility bill surcharge.
- Supported Proposition E requiring two-thirds voter approval of any new tax.
- Opposed Chargers ticket guarantee, tax subsidies for a new stadium.

Keeping neighborhoods safe

- Expanded Youth Court program citywide, reducing juvenile crime, and created San Diego Youth Commission to give youth a voice in government.
- Prevented closure of Community Police Storefront.

Leadership for our community

- Created one-stop disaster relief center coordinating assistance to families whose homes were lost in the fire.
- Obtained waiver of building fees, fast-tracked permits so families could re-build.
- Accessible, responsive to community needs.

Endorsed by:

San Diego City Firefighters
San Diego Police Officers Association
Deputy Sheriffs' Association
San Diego Mayor Dick Murphy
Sheriff Bill Kolender
Sierra Club

It's been my privilege to serve you. I will continue to work hard, stand up for you at City Hall and protect our community.

Brian Maienschein

OFFICIAL BALLOT
 SAN DIEGO COUNTY, CALIFORNIA - PRIMARY ELECTION - MARCH 2, 2004
NONPARTISAN

CITY OF SAN DIEGO

**MEASURES SUBMITTED TO THE
 VOTERS**

**MEMBER, CITY COUNCIL
 DISTRICT NO. 7**
 Vote for One

STATE

JIM MADAFFER
 San Diego City Councilmember

**PROP 55 KINDERGARTEN-
 UNIVERSITY PUBLIC EDUCATION
 FACILITIES BOND ACT OF 2004.** This
 twelve billion three hundred million dollar
 (\$12,300,000,000) bond issue will provide
 funding for necessary education facilities to
 relieve overcrowding and to repair older
 schools. Funds will be targeted to areas of
 the greatest need and must be spent
 according to strict accountability measures.
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 University, and the University of California,
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 Impact: State costs of about \$24.7 billion to
 pay off both the principal (\$12.3 billion) and
 interest (\$12.4 billion) costs on the bonds.
 Payments of about \$823 million per year.

IRENE STALLARD-RODRIGUEZ
 Business Owner

YES

Write-in

NO

**CITY OF SAN DIEGO
City Council – District No. 7**



JIM MADAFFER

City Councilmember

Promises Made. Promises Kept.

Supported by: San Diego City Firefighters
San Diego Police Officers Association

Four years ago, I pledged to work with you to solve problems and improve our communities. Today, in every corner of the District, we can all look back with pride at the goals we've accomplished:

COMMUNITY:

- Building modern libraries
- Created the popular *Slow Down* traffic-safety program
- Repairing streets, sidewalks, potholes
- Completed beautiful landscaped medians
- Repaired neglected City recreational facilities
- Installed grass ballfields for youth sports
- Modernized park play areas
- Community Revitalization through redevelopment
- Planted trees to beautify neighborhoods

CITYWIDE:

- Installed life-saving Automatic External Defibrillators (AEDs)
- Revised the red light camera program to make it fair
- Curtailed illegal street racing
- Worked to keep taxpayers dollars local
- Continuously have supported firefighter and police helicopters and equipment
- Implemented the Megan's Law and the Neighborhood eWatch websites to reduce crime

There is still a great deal to be done, and I pledge to continue my efforts in improving our neighborhoods and the City over the next four years. On behalf of my wife, Sally, and our sons, I thank you for giving me the privilege to serve and ask for your support.

**Re-elect
JIM MADAFFER**



**CITY OF SAN DIEGO
City Council – District No. 7**



IRENE STALLARD-RODRIGUEZ

**Business Owner
Community leader**

Best Qualified

Irene brings a wealth of experience as a Civic and Community Leader. *San Diego has been her home for over 30 years.*

Irene has more than 30 years experience in owning and leading successful businesses. *She knows how to set priorities and goals for real accomplishment to benefit our citizens.*

Irene is endorsed by many respected Community Leaders, ***NOT special interest Groups.***

Goals

Ensure Basic Services. Restore funding to ensure basic services of fire, police, Water, and Parks/ Rec programs are a priority again. **Let's get back to basics!**

Community Representation. Community access to City Hall. ***Irene is running to represent you and wants your input!***

Reform Local Government. Bring government back to all citizens. *Our tax dollars should be used for our benefit not Special Interests.*

Restore Trust. Irene will provide the needed **vision, leadership and integrity** to help solve the City's financial challenges.

Irene will bring a policy of fiscal conservatism and reform. City hall should be led and managed like a ethical major company.

Dear Friends and Neighbors,

Together we will make a difference in our community! Your vote for me will make a difference.

Irene

[REDACTED]