

Nov. 2, 1976

SAN DIEGO

**CITY OF SAN DIEGO PROPOSITIONS
TWO PROPOSED CHARTER AMENDMENTS,
LOW-RENT HOUSING PROPOSAL
FOR LOW-INCOME PERSONS,
TOGETHER WITH ARGUMENTS.**

**PROPOSICIONES DE LA CIUDAD DE SAN DIEGO
DOS ENMIENDAS PROPUESTAS A LA CARTA ESTATUTARIA,
PROPUESTA PARA VIVIENDAS DE ALQUILER REDUCIDO
PARA PERSONAS DE RECURSOS LIMITADOS,
JUNTO CON LOS ARGUMENTOS.**

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

**SPECIAL MUNICIPAL ELECTION
TUESDAY, NOVEMBER 2, 1976**

Para ser sometidas a los votantes capacitados
de la Ciudad de San Diego en la

**ELECCION MUNICIPAL ESPECIAL
MARTES, 2 DE NOVIEMBRE DE 1976**

The arguments in support or opposition of the propo-
sitions are the opinions of the authors.

Los argumentos a favor o en contra de las propo-
siciones representan las opiniones de sus autores.

EDWARD NIELSEN
City Clerk
Secretario Municipal

01697

Pass

PROPOSITION H

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

<p>PROPOSITION H. CITY OF SAN DIEGO CHARTER AMENDMENT. AMENDS SECTION 28 OF THE CHARTER OF THE CITY OF SAN DIEGO.</p>	<p>YES</p>	
<p>Relates to hiring of experts or consultants by the City Manager. Provides that the City Council shall establish by ordinance a dollar limit above which prior Council approval shall be required by the City Manager in order to hire experts or consultants when such assistance is necessary.</p>	<p>NO</p>	

This proposition amends the Charter of The City of San Diego by amending Section 28. The portions to be deleted are printed in STRIKE-OUT TYPE and the portions to be added are underlined.

This proposition requires a majority vote.

Section 28. DUTIES OF THE MANAGER:

It shall be the duty of the Manager to supervise the administration of the affairs of the City except as otherwise specifically provided in this Charter; to make such recommendation to the Council concerning the affairs of the City as may seem to him desirable; to keep the Council advised of the financial condition and future needs of the City; to prepare and submit to the Council the annual budget estimate and such reports as may be required by that body, including an annual report of all the Departments of the City; to see that the ordinances of the City and the laws of the State are enforced; and to perform such other duties as may be prescribed by this Charter or required of him by ordinance or resolution of the Council. Except as otherwise provided in this Charter, all other administrative powers conferred by the laws of the State upon any municipal official shall be exercised by the Manager or persons designated by him. He shall assume the position of Director of any Department under his control for which a Director has not been appointed. The Directors, or heads of the administrative Departments under the Manager shall be immediately responsible to him for the efficient administration of their respective Departments. The Manager may set aside any action taken by a Director or Department subordinate responsible to him, and may supersede him in authority in the functions of his office or employment. Where no provision has been made by ordinance authorizing a subordinate official to act as departmental head in case of a vacancy, the Manager may designate an interim acting head or perform personally the functions of the office. The Manager, as Chief Budget Officer of the City, shall be responsible for planning the activities of the City government and for adjusting such activities to the finances available. To this end he shall prepare annually a complete financial plan for the ensuing year and shall be responsible for the administration of such a plan when adopted by the Council. He shall be charged with the bringing together of estimates covering the financial needs of the City, with the checking of these estimates against the information relative to past expenditures and income, with the

preparation of the budget document and supporting schedules and with the presentation of the budget to the Council. He shall have the power, ~~with the approval of the Council,~~ to employ experts, or consultants to perform work or give advice connected with the Departments of the City when such work or advice is necessary in connection therewith. If the cost of hiring said expert or consultant exceeds a sum to be established by ordinance of the City Council, no such expert or consultant shall be hired without approval of the Council. The Council shall provide sufficient funds in the annual appropriation ordinance or by supplemental appropriation ordinances for such purposes and shall charge such additional services against the appropriation of the respective Departments.

The Manager shall execute all contracts for the Departments under his control. He shall approve all requisitions and vouchers for said Departments in person or through such assistants as he may designate for the purpose.

The Manager may prescribe such general rules and regulations as he may deem necessary or expedient for the general conduct of the administrative Departments. The Director of each Department shall in like manner prescribe such rules and regulations as may be deemed necessary and expedient for the proper conduct of each Department, not inconsistent with the general rules and regulations prescribed by the Manager.

In order to expedite the work of any Department or to adequately administer an increase in the duties which may devolve on any Department or to cope with periodic or seasonal changes, the Manager, subject to Civil Service regulations, is empowered to transfer employees temporarily from one Department to perform similar duties in another Department. Likewise each Department head shall have power to transfer employees from one Division to another within his Department.

The Manager may direct any Department or Division to perform work for any other Department or Division. Such powers to transfer employees or to direct the performance of work shall not apply to the Police or Fire Departments.

During January of each year the Manager shall present to the Council an annual report of the City's affairs for the previous fiscal year.

In case of general conflagration, rioting, flood, or other emergency menacing life and property, the Manager shall marshal all the forces of the different Departments of the City for the maintenance of the general security, and shall have the power to deputize or otherwise employ such other persons as he may consider necessary for the purpose of protecting the City and its residents. The Council may, however, in any such emergencies authorize the Mayor to take command of the police, maintain order and enforce the law.

And in such authorized emergencies the Manager shall be subordinate to and shall carry out such duties as may be assigned to him by the Mayor.

ARGUMENT FOR PROPOSITION H

Frequently, there is a requirement for the services of experts or consultants for small jobs for which the City has no qualified employees. Even though the job may be less than \$25, a strict interpretation of Section 28 of the Charter requires the Manager to obtain approval of the Council for such work taking Council time from important

matters and creating unnecessary paperwork. This change will require the City Council to determine by Ordinance a limit below which the Manager may hire such work directly.

Gil Johnson
Councilman—District One

Tom Gade
Councilman—District Six

Leon L. Williams
Councilman—District Four

Jim Ellis
Councilman—District Seven

Jess D. Haro
Councilman—District Eight

ARGUMENT AGAINST PROPOSITION H

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

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Pasadena

PROPOSITION J

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

<p>PROPOSITION J. CITY OF SAN DIEGO CHARTER AMENDMENT. AMENDS SECTION 94 OF THE CHARTER OF THE CITY OF SAN DIEGO.</p>	<p>YES</p>	
<p>Authority presently exists in Charter Sections 35 and 94 for the purchase of materials, supplies and equipment. This results in two procedures and creates ambiguity and inconsistency. This amendment deletes that language in Section 94 and provides that the purchase of all materials, supplies and equipment be governed by Charter Section 35.</p>	<p>NO</p>	

This proposition amends the Charter of The City of San Diego by amending Section 94. The portions to be deleted are printed in STRIKE-OUT TYPE and the portions to be added are underlined.

This proposition requires a majority vote.

Section 94. CONTRACTS.

In the construction, reconstruction or repair of public buildings, streets, utilities and other public works, and in ~~furnishing supplies, materials, equipment, or contractual services for the same,~~ when the expenditure therefor shall exceed the sum of \$2,500.00, the same shall be done by the written contract, except as otherwise provided in this Charter, and the Council, on the recommendation of the Manager or the head of the Department in charge if not under the Manager's jurisdiction, shall let the same to the lowest responsible and reliable bidder, not less than ten days after advertising for one day in the official newspaper of the City for sealed proposals for the work contemplated. If the cost of said public contract work exceeds the sum of \$1,000.00, but is not in excess of \$2,500.00, the Council may let said contract without advertising for bids, but not until the Purchasing Agent of the City shall have secured competitive prices from contractors interested, which shall be taken under consideration by said Council before said contract is let. The Council may, however, upon the recommendation of the Manager and by a vote of two-thirds of the members elected to the Council, order the performance of any such construction and reconstruction or repair work by appropriate City forces when the estimates submitted as part of the Manager's recommendation indicate that the work can be done by the City forces more economically than if let by contract.

In case of a great public calamity, such as extraordinary fire, flood, storm, epidemic or other disaster the Council may, by resolution passed by a vote of two-thirds of the members elected to the Council, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health or property, and thereupon they may proceed, without advertising for bids or receiving the same, to expend, or enter into a contract involving the expenditure of any sum

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required in such emergency, on hand in the City treasury and available for such purpose. All contracts before execution shall be approved as to form and legality by the City Attorney.

Each bidder shall furnish with his bid such security or deposit insuring the execution of the contract by him as shall be specified by the Council or as provided by general law.

For contracts exceeding \$25,000.00, the Council shall require each contractor to insure the faithful performance of his contract by delivering to the City a surety bond in an amount specified by the Council, executed by a surety company authorized to do business in the State of California; provided, however, that in all contracts the Council shall require the retention of sufficient payments under the contract to insure the protection of the City against labor or material liens.

The Council, on the recommendation of the Manager, or the Head of the Department not under the jurisdiction of the Manager, may reject any and all bids and readvertise for bids. The Council may provide that no contract shall be awarded to any person, firm or corporation if prison or alien labor is to be employed in performing such contract, or if the wage schedule for employees engaged in performing such contract is based on more than eight hours of labor per day. Any contract may be let for a gross price or on a unit basis and may provide for liquidated damages to the City for every day the contract is uncompleted beyond a specified date. It shall be competent in awarding any contract to compare bids on the basis of time completion, provided that when any award has been made in consideration, in whole or in part, of the relative time estimates of bidders for the completion of the work, the performance in accordance with such time limits shall be secured by a surety bond as hereinabove provided with adequate sureties and penalties, and provided further, that for any contract awarded solely or partially on a specified time for completion the Council shall not extend such time limits unless such extension be recommended by the Manager and the Head of the Department concerned.

No officer, whether elected or appointed, of The City of San Diego shall be or become directly or indirectly interested in, or in the performance of, any contract with or for The City of San Diego, or in the purchase or lease of any property, real or personal, belonging to or taken by said City or which shall be sold for taxes or assessments or by virtue of legal process or suit of said City. Any person wilfully violating this section of the Charter shall be guilty of a misdemeanor and shall immediately forfeit his office and be thereafter forever barred and disqualified from holding any elective or appointive office in the service of the City. No officer, whether elected or appointed, shall be construed to have an interest within the meaning of this section unless the contract, purchase, lease, or sale shall be with or for the benefit of the office, board, department, bureau or division with which said officer is directly connected in the performance of his duties and in which he or the office, board, department, bureau or division he represents exercises legislative administrative or quasi-judicial authority in the letting of or performance under said contract, purchase, lease or sale.

All contracts entered into in violation of this section shall be void and shall not be enforceable against said City; provided, however, that officers of this municipality may own stock in public utility service corporations and the City permitted to contract for public utility service when the rates for such service are fixed by law or by virtue of the Public Utilities Commission of the State of California; and provided further, that no

officer shall be prohibited from purchasing the services of any utility whether publicly or privately owned, whether or not the rates are fixed by law or by the Public Utilities Commission of the State of California; and provided further, that in designating any bank as a depository for the funds of said City, any officer interested as a stockholder or otherwise in such bank shall not be deemed to have an interest in such City contract within the meaning of this section, and in each of the cases enumerated herein such contracts shall be valid and enforceable obligations against the municipality.

ARGUMENT FOR PROPOSITION J

Section 35 of the City Charter provides for the purchases of materials, supplies, and equipment. Section 94 provides for the construction of public works, however, it also includes supplies, materials, equipment, and contractual services which are used in public works. This results in there being two procedures used for the purchases of these materials—those that are used in public works and those that are used in the operation of the City. This results in a conflict between two different procedures. If this ambiguity is eliminated, the purchase of all materials and supplies will be covered under Section 35 of the City Charter.

Maureen O'Connor
Deputy Mayor

Tom Gade
Councilman—District Six

Leon L. Williams
Councilman—District Four

Jim Ellis
Councilman—District Seven

Jess D. Haro
Councilman—District Eight

ARGUMENT AGAINST PROPOSITION J

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

PROPOSITION K

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

<p>PROPOSITION K. CITY OF SAN DIEGO LOW-RENT HOUSING PROPOSAL FOR LOW-INCOME OR ELDERLY LOW-INCOME PERSONS.</p>	<p>YES</p>	
<p>Do the qualified electors of the City of San Diego approve the development, construction and acquisition of low-rent housing projects within the City to provide not more than 2,500 dwelling units on scattered sites for living accommodations for low-income persons including but not limited to low-income elderly or low-income disabled persons?</p>	<p>NO</p>	

This proposition requires a majority vote.

ARGUMENT FOR PROPOSITION K

Passage of Proposition K will allow the use of state money for the construction of low income rental units for the aged, poor and disabled. Without passage of Proposition K, over \$10 million in state funds will be given away to other cities.

Housing for all persons has reached the critical stage in San Diego, but none are more severely crippled by the lack of housing than the elderly and disabled. Without passage of Proposition K, many fear that Navy families will not be able to find places to live.

Here is what else Proposition K will do:

- Provide jobs for the unemployed in the building trades industry.
- Help fulfill the City's promise to provide a balanced community.
- Provide housing for the senior citizens who are on very limited incomes, and who are hardest hit by the inflationary spiral.

Failure to pass Proposition K will mean San Diego will lose \$10 million in approved projects immediately and will forfeit its share of \$450 million in state funds under Proposition 1.

Proposition K is supported by a broad base of community and private organizations including senior citizens, developers, environmentalists, civic leaders and urban planners.

Proposition K means badly needed housing will be constructed now without having to use local tax dollars.

VOTE YES ON PROPOSITION K.

NOV. 2, 1976

Leon L. Williams
Councilman—District Four

Tom Gade
Councilman—District Six

Jess D. Haro
Councilman—District Eight

Beverly Awrey
Housing Coalition

ARGUMENT AGAINST PROPOSITION K

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