

**County of
San Diego
California**

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**Sample Ballot
& Voter Information Pamphlet**

**GENERAL ELECTION
TUESDAY, NOVEMBER 4, 1980**

Compiled and Distributed by:

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GENERAL ELECTION, TUESDAY, NOVEMBER 4, 1980, COUNTY OF SAN DIEGO
OFFICIAL BALLOT

CITY OF SAN DIEGO SPECIAL MUNICIPAL ELECTION QUESTIONS

PROPOSITION L

CITY OF SAN DIEGO CHARTER AMENDMENT. AMENDS SECTION 11.1 OF THE CHARTER OF THE CITY OF SAN DIEGO.

Extends the prohibition against unlawful delegation of the legislative responsibility to set compensation for City employees to any scheme or formula which seeks to fix the compensation to that of employees of any other public agency whose governing board is not elected by and not accountable to the people of the City of San Diego.

Yes 187 ➡

No 188 ➡

PROPOSITION M

CITY OF SAN DIEGO CHARTER AMENDMENT. AMENDS SECTIONS 12.1 AND 24.1 OF THE CHARTER OF THE CITY OF SAN DIEGO.

Provides that each year the Salary Setting Commission shall recommend to the Council the enactment of an ordinance establishing the salary of the Mayor and Members of the Council for the following fiscal year instead of submitting recommendations every even year. The Council shall adopt the salaries as recommended by the Commission, or in some lesser amount; but in no event may it increase the amount.

Yes 194 ➡

No 195 ➡

PROPOSITION N

INITIATIVE MEASURE ADDING SECTION 130.5 TO THE CHARTER OF THE CITY OF SAN DIEGO.

Establishes a formula to pay San Diego City fire fighters salaries equal to the average of salaries paid to fire fighters of the five largest cities in California other than San Diego. Each year the Civil Service Commission is required to survey the rates of compensation paid to fire fighters, fire engineers, fire captains, fire battalion chiefs and fire deputy chiefs in the five largest cities and certify to the City Council the average monthly salary, excluding fringe benefits, paid to these ranks.

Requires the City Council to fix minimum monthly rates of compensation paid to San Diego City fire fighters at least equal to the average salary for each rank as certified by the Civil Service Commission. The rates of compensation fixed shall be minimum rates and nothing in section would prevent the City from meeting and conferring with fire fighters' representatives to negotiate rates of compensation in excess of the minimum rates provided for.

Provides for gradual adjustment of salaries over four years. The difference between San Diego City fire fighters' salaries and those of the surveyed cities shall be computed in 1981 and adjusted each fiscal year with 40 percent of the difference to be paid July 1, 1981 and 20 percent on each succeeding July 1 so that from and after July 1, 1984, San Diego City fire fighters shall be paid salaries at least equal to the average salaries for those ranks in the surveyed cities.

Yes 206 ➡

No 207 ➡

**GENERAL ELECTION, TUESDAY, NOVEMBER 4, 1980, COUNTY OF SAN DIEGO
OFFICIAL BALLOT**

CITY OF SAN DIEGO SPECIAL MUNICIPAL ELECTION QUESTIONS

PROPOSITION O

CITY OF SAN DIEGO CHARTER AMENDMENT INITIATIVE. AMENDS CHARTER OF THE CITY OF SAN DIEGO BY ADDING A NEW SECTION 43.2 ENTITLED, "FAIR RENT BOARDS."

Shall the Charter be amended to do, among other things, the following: to create eight (8) local boards of five (5) members to review complaints with respect to rent increases, with various powers, including the power to limit the increases to fair and equitable levels and to disapprove excessive increases; to create a central board consisting of 17 members made up of one (1) landlord and one (1) tenant member from each of the local boards and a 17th member selected by them with various powers, including the power to suspend the rent adjustment provision of the amendment, make studies, report to the Council on the rental market and subpoena witnesses; to provide for rent increases only when demonstrated necessary to the landlord making a fair return on investment; and to limit the landlord's right to recover possession?

Yes 216 ➡

No 217 ➡

CITY OF SAN DIEGO
PROPOSITION L

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

PROPOSITION L

CITY OF SAN DIEGO CHARTER AMENDMENT. AMENDS SECTION 11.1 OF THE CHARTER OF THE CITY OF SAN DIEGO.

Extends the prohibition against unlawful delegation of the legislative responsibility to set compensation for City employees to any scheme or formula which seeks to fix the compensation to that of employees of any other public agency whose governing board is not elected by and not accountable to the people of the City of San Diego.

Yes 187 ➡

No 188 ➡



This proposition amends the Charter of The City of San Diego by amending Section 11.1. 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 11.1. LEGISLATIVE POWER—NONDELEGABLE.

The same prohibition against delegation of the legislative power which is imposed on the State Legislature by Article XI, Section 11a of the Constitution of the State of California shall apply to the City Council of The City of San Diego, so that its members shall not delegate legislative power or responsibility which they were elected to exercise in the adoption of any ordinance or resolution which raises or spends public monies, including but not limited to the City's annual budget ordinance or any part thereof, and the annual ordinance setting compensation for City employees, or any ordinance or resolution setting public policy.

In setting compensation for City employees, the City Council shall adopt an ordinance no later than May 30 of each year after considering all relevant evidence including but not limited to the needs of the citizens of the City of San Diego for municipal services and the ability of the citizens to pay for those services; provided, however, that the City Council shall give priority in the funding of municipal services to the need of the citizens for police protection.

The prohibition imposed by this section against unlawful delegation of the legislative responsibility to set compensation for city employees shall extend to any scheme or formula which seeks to fix the compensation of City of San Diego employees at the level of compensation paid to employees of any other public agency whose governing board is not elected by and not accountable to the people of the City of San Diego.

ARGUMENT IN FAVOR OF PROPOSITION L

A **YES** VOTE ON PROPOSITION L IS A VOTE FOR FISCAL ACCOUNTABILITY.

What if the salaries of San Diego public employees were **automatically** tied to those of their higher-paid colleagues of less fiscally responsible cities?

Should San Francisco, Los Angeles, Long Beach, San Jose or Oakland **dictate** the salaries you might not be able to afford?

Yet, this is what one city public employee union is seeking to do. Proposition L puts a stop to it!

Proposition L strengthens the ballot measure you wisely approved last June to outlaw binding arbitration and to make Police protection the top priority.

That's the law today. It stops strikes and will continue to do so with passage of Proposition L. It keeps the people you elect **here in San Diego** directly accountable for the pensions, salaries and other compensation granted public employees.

Proposition L means if an elected official here in San Diego doesn't do the job, you can get rid of him. **You can't do that with someone elected up in Oakland or Los Angeles!**

These special wage schemes don't belong here. Just think of the \$17,000-a-year streetsweepers this sort of idea brought to San Francisco. Or the Oakland firefighters who cost their taxpayers \$44,000-a-year.

Firefighters must be paid well for their difficult jobs. They are and will! The average San Diego firefighter today earns **nearly \$25,000-a-year** plus fringe benefits. It will continue to climb.

The present system of bargaining works. With **only a 4.8% personnel turnover** a year, something must be right!

We can't afford to tie employee pay to that of other cities. Those decisions belong at home in San Diego. Let's keep it that way.

VOTE **YES** ON PROPOSITION L.

PETE WILSON
Mayor

EARLE ROBERTS

PETER FRITZ
President
San Diego Taxpayers Association

BRUCE HENDERSON
President
Association of Concerned Taxpayers

BILL CLEATOR
Councilman

ARGUMENT AGAINST PROPOSITION L

This ballot measure is a prime example of how municipal politicians use sleight-of-hand tactics to say one thing in order to achieve another. First of all, this measure would never have been proposed by the Mayor if we firefighters had not qualified Proposition N to establish a fair salary standard for ourselves. The purpose of Proposition L, therefore, is to block fair compensation for firefighters.

Proposition L is not needed to correct an abuse or even to prevent one. No one is trying to take away any power from the City Council. Prop. N merely sets a salary standard for firefighters. The fact that the Mayor moved to block it before the people of San Diego had a fair chance to consider it, again displays his over-zealousness on this issue.

It is generally recognized that the Mayor is very successful at negotiating salaries well below other comparable cities. Unfortunately, he can't provide a lower cost of living for San Diego city employees and so we shoulder a heavier burden. It is not surprising that he doesn't want our salaries compared to others because San Diego comes off so poorly. Firefighters, for example, are paid 16% below the average of the five comparable cities in California.

Because there is a no-strike provision in our city charter, the Mayor is able to dominate negotiations and achieve political recognition for himself by paying substandard salaries. Of course he doesn't want comparison. But comparison is the fair standard in a free economy and it should be the standard in San Diego too. We urge you to vote No on L.

WILLIAM E. GREEN
President
San Diego City Firefighters

PROPOSITION M

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

PROPOSITION M

CITY OF SAN DIEGO CHARTER AMENDMENT, AMENDS SECTIONS 12.1 AND 24.1 OF THE CHARTER OF THE CITY OF SAN DIEGO.

Provides that each year the Salary Setting Commission shall recommend to the Council the enactment of an ordinance establishing the salary of the Mayor and Members of the Council for the following fiscal year instead of submitting recommendations every even year. The Council shall adopt the salaries as recommended by the Commission, or in some lesser amount, but in no event may it increase the amount.

Yes 194 ➡

No 195 ➡

This proposition amends the Charter of The City of San Diego by amending Sections 12.1 and 24.1. The portions to be deleted are printed in ~~STRIKEOUT TYPE~~ and the portions to be added are underlined.

This proposition requires a majority vote.

Section 12.1. COUNCILMANIC SALARIES.

On or before February 15 of ~~each every even~~ year, the Salary Setting Commission shall recommend to the Council the enactment of an ordinance establishing the salary of the members of the Council for the following fiscal year period commencing July 1 of that ~~even~~ year and ending June 30 two years thereafter. The Council shall ~~may~~ adopt the salaries by ordinance as recommended by the Commission, or in some lesser amount, but in no event may it increase the amount. The ordinance shall be subject to the referendum provisions of this Charter and upon the filing of a sufficient petition, the ordinance shall not become effective and shall be repealed by the Council or shall forthwith be submitted to a vote of the people at the next general statewide election.

Section 24.1. MAYOR'S SALARY.

On or before February 15 of ~~each every even~~ year, the Salary Setting Commission shall recommend to the Council the enactment of an ordinance establishing the Mayor's salary for the following fiscal year period commencing July 1 of that ~~even~~ year and ending June 30 two years thereafter. The Council shall adopt the salary by ordinance, as recommended by the Commission, or in some lesser amount, but in no event may it increase the amount. The ordinance shall be subject to the referendum provisions of this Charter and upon the filing of a sufficient petition, the ordinance shall not become effective and shall be repealed by the Council or shall forthwith be submitted to a vote of the people at the next general statewide election.

ARGUMENT IN FAVOR OF PROPOSITION M

VOTE YES ON PROPOSITION M.

Hold your City Council accountable.

The current City Charter language requires that salary review for the City Council shall occur on every even-numbered year. Yet, Council members are elected on odd-numbered years. Council members, therefore, avoid public accountability for decisions relative to their salaries in the year of their election.

A yes vote on Proposition M would change this procedure by requiring that salary reviews occur every year. Council members should be responsible to the taxpayers for salary decisions every year, not just on even-numbered years.

VOTE YES FOR ACCOUNTABILITY—VOTE YES ON PROPOSITION M.

PETER L. FRITZ

President, San Diego Taxpayers Association

ARGUMENT AGAINST PROPOSITION M

Between 1956 and 1972, San Diego voters rejected City Council pay raises seven straight times.

In 1973 the Council tried a more subtle approach. They asked voters to establish an "independent" salary setting commission to propose new pay scales every 2 years.

Voters approved this commission on November 6, 1973.

Since then, two things have happened:

- (1) annual pay for councilmen has risen by \$16,500 (\$19,250 for Mayor Wilson)
- (2) San Diego voters have not been given a chance to vote on a pay raise since.

Every two years since 1974 the Salary Setting Commission has gone through the charade of meeting, and then recommending a big pay raise for the Council (never less than \$4,500). The "independent" Salary commission's members are often drawn from political associates and supporters of the Council.

If Proposition M passes, the Salary Setting Commission will meet **every** year, to propose new salaries, instead of every 2 years. Guess what that will mean?

If you answered "more raises, more often" you're right.

But the public **can** fight back. Two years ago the Council went too far by voting themselves a \$9,000 raise. Public opinion, aroused by KSDO communicaster Lawrence Gross, forced the Council majority to repeal that raise. Some of the same councilmen who voted **for** that raise (like BILL LOWERY and LEON WILLIAMS), voted to help Proposition M reach the ballot, though they haven't endorsed it.

You can put the heat to City Hall again by crushing this hypocritical proposition.

Tell them what you think of the "independent" Salary Setting Commission by voting NO on M.

JAMES SILLS

San Diego Young Americans for Freedom

PROPOSITION N

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

PROPOSITION N

INITIATIVE MEASURE ADDING SECTION 130.5 TO THE CHARTER OF THE CITY OF SAN DIEGO.

Establishes a formula to pay San Diego City fire fighters salaries equal to the average of salaries paid to fire fighters of the five largest cities in California other than San Diego. Each year the Civil Service Commission is required to survey the rates of compensation paid to fire fighters, fire engineers, fire captains, fire battalion chiefs and fire deputy chiefs in the five largest cities and certify to the City Council the average monthly salary, excluding fringe benefits, paid to these ranks.

Requires the City Council to fix minimum monthly rates of compensation paid to San Diego City fire fighters at least equal to the average salary for each rank as certified by the Civil Service Commission. The rates of compensation fixed shall be minimum rates and nothing in section would prevent the City from meeting and conferring with fire fighters' representatives to negotiate rates of compensation in excess of the minimum rates provided for.

Provides for gradual adjustment of salaries over four years. The difference between San Diego City fire fighters' salaries and those of the surveyed cities shall be computed in 1981 and adjusted each fiscal year with 40 percent of the difference to be paid July 1, 1981 and 20 percent on each succeeding July 1 so that from and after July 1, 1984, San Diego City fire fighters shall be paid salaries at least equal to the average salaries for those ranks in the surveyed cities.

Yes 206 →

No 207 →

INITIATIVE MEASURE: This proposition amends the Charter of The City of San Diego by adding Section 130.5. The portions to be added are underlined.

This proposition requires a majority vote.

Section 130.5. FORMULA TO PAY TO SAN DIEGO CITY FIRE FIGHTERS SALARIES EQUAL TO THE AVERAGE OF SALARIES PAID BY OTHER LARGE CITIES IN CALIFORNIA.

A. DECLARATION OF POLICY; PROHIBITION OF STRIKES.

San Diego City fire fighters of every rank are prohibited under this charter from striking against the City. Nevertheless, San Diego's fire fighters are paid less than the average salaries paid to fire fighters in California's other large cities. Therefore, it is necessary to develop a formula which will assure that San Diego City fire fighters are paid a salary equal to the average salary paid to fire fighters in cities of comparable size. Such a formula will enable San Diego to hire the finest fire fighting personnel and to maintain continued labor peace.

B. SURVEY OF FIVE LARGEST CITIES.

Not later than the first day of March of each year, the Civil Service Commission shall survey and certify to the City Council the rates of compensation paid to fire fighters, fire engineers, fire captains, fire battalion chiefs, and fire deputy chiefs in the five cities, or combined cities and counties, in California, other than San Diego, which are the largest by population as measured by the latest report by the Population Research Unit of the Department of Finance of the State of California. At each rank, the rate compensation surveyed and certified shall be the amount

of monthly salary, excluding fringe benefits, paid to the top step fire fighters, fire engineers, fire captains, fire battalion chiefs, and fire deputy chiefs in each of the five cities, or combined cities and counties, surveyed. When the ranks or positions in the fire department of any surveyed city, or combined city or county, have different names than those used in the City of San Diego Fire Department, ranks performing the same or essentially the same duties as fire fighters, fire engineers, fire captains, fire battalion chiefs, and fire deputy chiefs in the City of San Diego shall be surveyed.

C. COMPUTATION OF AVERAGE SALARY.

Also, not later than the first day of March of each year, the Civil Service Commission shall compute and certify to the City Council the average among the five cities, or combined cities and counties, surveyed of the top step rates of compensation for each rank or position. For each rank or position, this amount shall be referred to as the "average salary." For each rank or position, the average salary shall be computed by adding together the top step monthly salary for that rank or position paid in each of the five surveyed cities, or combined cities and counties, and then dividing the resulting sum by five. If a city, or combined city and county, does not have a rank comparable to one or more of the ranks surveyed, the average salary for that rank shall be computed by adding together the top step monthly salary for that rank in the cities, or combined cities and counties, having a comparable rank, and then dividing the resulting sum by the number of cities, or combined cities and counties, having a comparable rank. When the computation is complete, and not later than March 1 of each year, the Civil Service Commission shall certify to the City Council the average salary for fire fighters, fire engineers, fire captains, fire battalion chiefs, and fire deputy chiefs.

D. OBLIGATION OF CITY COUNCIL.

Thereupon, the City Council of San Diego shall have the power, and it shall be its duty, by ordinance, to fix minimum monthly rates of compensation for top step San Diego City fire fighters, fire engineers, fire captains, fire battalion chiefs, and fire deputy chiefs at least equal to the average salary for each rank as certified by the Civil Service Commission. The rates of compensation for San Diego City fire fighters, fire engineers, fire captains, fire battalion chiefs and fire deputy chiefs, who are not at the top step, shall be fixed after the top step rates of compensation are fixed such that the salary differentials between steps are equal to the salary differentials as they existed in the San Diego City Fire Department on the effective date of this amendment.

E. RIGHT TO MEET AND CONFER.

The rates of compensation fixed as provided herein shall be minimum rates of compensation, and nothing in this section shall prevent the City of San Diego from meeting and conferring with the certified representatives of San Diego City fire fighters, fire engineers, fire captains, fire battalion chiefs, and fire deputy chiefs to negotiate rates of compensation in excess of the minimum rates provided for herein.

F. GRADUAL ADJUSTMENT OF SALARIES OVER FOUR YEARS.

Notwithstanding the foregoing, and in recognition of the fact that top step San Diego City fire fighters, fire engineers, fire captains, fire bat-

talion chiefs, and fire deputy chiefs currently earn substantially less than the average salary for the corresponding rank or position and that, therefore, there would be a substantial fiscal impact in the first year to bring rates of compensation in the City of San Diego at least up to the average salaries, the City of San Diego shall have four fiscal years within which to make the rates of compensation for top step San Diego City fire fighters, fire engineers, fire captains, fire battalion chiefs and fire deputy chiefs at least equal to the average salary for each rank, as follows:

1. Effective July 1, 1981, the City Council shall compute the difference in dollars between the rate of compensation, not including fringe benefits, paid to a top step San Diego City fire fighter and the average salary for fire fighters and shall pay to top step San Diego City fire fighters a salary increase at least equal to 40 percent of that difference. (That difference shall be referred to hereinafter as "the salary equalizer." Amounts less than one dollar shall be rounded off to the nearest dollar.) Fire fighters at steps lower than the top step shall be paid salary increases sufficient so that the differential between their salaries and the top step salary existing as of the effective date of this amendment is maintained. The same procedure outlined in this subsection shall be followed to fix the rates of compensation for San Diego City fire engineers, fire captains, fire battalion chiefs, and fire deputy chiefs, effective July 1, 1981.

2. Effective July 1, 1982, the City Council shall pay to top step San Diego City fire fighters a salary increase at least equal to 20 percent of the salary equalizer plus the average salary increase paid to fire fighters in the five surveyed cities, or combined cities and counties. The "average salary increase paid to fire fighters in the five surveyed cities, or combined cities and counties," hereinafter referred to as the "average salary increase," shall be computed as follows: the dollar amounts of the salary increases enacted for fiscal July 1, 1981 to June 30, 1982 for top step fire fighters in each surveyed city, or combined city and county, shall be added together and then divided by five to arrive at the average salary increase. Fire fighters at steps lower than the top step shall be paid salary increases sufficient so that the differential between their salaries and the top step salary existing as of the effective date of this amendment is maintained. The same procedure as outlined in this subsection shall be followed to fix the rates of compensation for San Diego City fire engineers, fire captains, fire battalion chiefs, and fire deputy chiefs, effective July 1, 1982.

3. Effective July 1, 1983, the City Council shall pay to top step San Diego City fire fighters a salary increase at least equal to 20 percent of the salary equalizer plus the average salary increase for the fiscal year July 1, 1982 to June 30, 1983. Fire fighters at steps lower than the top step shall be paid salary increases sufficient so that the differential between their salaries and the top step salary existing as of the effective date of this amendment is maintained. The same procedure as outlined in this subsection shall be followed to fix the rates of compensation for San Diego City fire engineers, fire captains, fire battalion chiefs, and fire deputy chiefs, effective as of July 1, 1983.

4. Effective July 1, 1984, the City Council shall pay to top step San Diego City fire fighters a salary increase at least equal to 20 percent of the salary equalizer plus the average salary increase for the fiscal year

July 1, 1983 to June 30, 1984. Fire fighters at steps lower than the top step shall be paid salary increases sufficient so that the differential between their salaries and the top step salary existing as of the effective date of this amendment is maintained. The same procedure as set forth in this subsection shall be followed to fix the rates of compensation for San Diego City fire engineers, fire captains, fire battalion chiefs, and fire deputy chiefs, effective as of July 1, 1984.

5. From and after July 1, 1984, the procedures set forth in subsections (B) through (E) shall be followed to pay to San Diego City fire fighters, fire engineers, fire captains, fire battalion chiefs, and fire deputy chiefs salaries at least equal to the average salaries for those ranks in the surveyed cities, or combined cities and counties.

G. YEARS OF SERVICE.

In determining years of service necessary for a fire fighter, fire engineer, fire captain, fire battalion chief, and fire deputy chief to receive the rates of compensation provided for herein, services rendered prior to the effective date of this amendment shall be taken into account and given full credit.

H. FRINGE BENEFITS DEFINED.

As used herein, the term "fringe benefits" refers to all benefits other than salary, including but not limited to, retirement, holidays, vacations, medical benefits, and sick leave.

I. CONFLICTS WITH CHARTER.

In the event that a court of competent jurisdiction finds that any provision of this amendment is inconsistent with or in conflict with any other section of the San Diego City Charter adopted prior hereto, the provision of this amendment shall prevail.

J. SAVINGS CLAUSE.

If any provision of this amendment or its application to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to that end the provisions of this amendment are severable.

ARGUMENT IN FAVOR OF PROPOSITION N

With Proposition N, your firefighters are appealing directly to you, the citizens, in order to correct the present system of abuse. Prop. N establishes a fair salary standard for firefighters. It is entirely proper for the citizens to set standards for their elected representatives to follow. And it is particularly proper here since these elected officials have repeatedly demonstrated an incapacity to deal fairly with firefighters.

Proposition N is not an extreme measure. We have carefully drafted it so that the standard set for the city will be an average of the five comparable cities of California—not the highest salaries but an average. This really shouldn't be necessary, but in San Diego it is.

When the Mayor sponsored and passed the charter provision against strikes it unbalanced the collective bargaining system in the city. Currently the Mayor can set salaries at very low levels—and he does. Firefighters salaries are now 16% below the average of the five comparable California cities. With Proposition N, the citizens can establish a fair standard for the city and the Mayor and the Council will then set salaries within that standard.

As your firefighters, we are proud of our profession and of the services we render. We accept the risks even though this is the most dangerous profession. But at the same time we have families to raise and responsibilities to keep. We honestly feel that we are entitled to at least an average salary. Our frustration has grown as we have come to realize that the politicians of our city do not share that commitment. So we come to you with a moderate and fair proposal to correct an abuse. We hope you will thoroughly consider Proposition N and that you will find it worthy of a YES vote.

WILLIAM E. GREEN
President
San Diego City Firefighters

ARGUMENT AGAINST PROPOSITION N

DON'T LET SAN FRANCISCO, LOS ANGELES, OAKLAND, SAN JOSE OR LONG BEACH **DICTATE** SAN DIEGO MUNICIPAL SALARIES!
VOTE **NO** ON PROPOSITION N!

Just when you thought one powergrab by a public employee union was defeated, Proposition N tries to slip another by the taxpayers.

Don't be misled. Proposition N is nothing more than a \$5 million tax grab.

Read the fine print. You will find a public employee union trying to stack the deck against San Diego taxpayers by **automatically** tying their pay to that of higher-paid municipal workers in Los Angeles, San Francisco, San Jose, Oakland and Long Beach. At minimum!

Proposition N is the kind of prevailing wage clause scheme that brought \$17,000-a-year streetsweepers to San Francisco. This way, Los Angeles pays its employees up to 45% more than comparable workers get in private industry.

Oakland firefighters cost taxpayers \$44,000-a-year!

Is this what we want for San Diego? You don't even vote for the people who set these exorbitant salaries, so why should we commit our tax dollars to fiscally irresponsible decisions made elsewhere?

Proposition N is no strike issue. It's a pay issue! If it were to pass, it would simply mean more money being gobbled up for salaries when what we really need is more **services!**

That's why **Fire Chief Earle Roberts so strongly opposes** Proposition N.

The fine print in Proposition N is a civil service nightmare and litigation quagmire.

Firefighters must be paid well for their difficult jobs. They are and will.

The average San Diego firefighter earns nearly \$25,000-a-year plus fringe benefits.

This isn't second class citizenship. It shows the present bargaining system **works.**

That's why the Fire Department has the **lowest** personnel turnover in the city at 4.8%.

Don't tie us to the pay of others. San Diego isn't Oakland or Los Angeles.

VOTE **NO** ON PROPOSITION N.

PETE WILSON
Mayor

EARLE ROBERTS

PETER FRITZ
President
San Diego Taxpayers Association

BRUCE HENDERSON
President
Association of Concerned Taxpayers

BILL CLEATOR
Councilman

PROPOSITION O

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

PROPOSITION O

CITY OF SAN DIEGO CHARTER AMENDMENT INITIATIVE. AMENDS CHARTER OF THE CITY OF SAN DIEGO BY ADDING A NEW SECTION 43.2 ENTITLED, "FAIR RENT BOARDS."

Shall the Charter be amended to do, among other things, the following: to create eight (8) local boards of five (5) members to review complaints with respect to rent increases, with various powers, including the power to limit the increases to fair and equitable levels and to disapprove excessive increases; to create a central board consisting of 17 members made up of one (1) landlord and one (1) tenant member from each of the local boards and a 17th member selected by them with various powers, including the power to suspend the rent adjustment provision of the amendment, make studies, report to the Council on the rental market and subpoena witnesses; to provide for rent increases only when demonstrated necessary to the landlord making a fair return on investment; and to limit the landlord's right to recover possession?

Yes 216 ➡
No 217 ➡

INITIATIVE MEASURE: This proposition amends the Charter of the City of San Diego by adding Section 43.2. The portions to be added are underlined.

This proposition requires a majority vote.

Section 43.2. FAIR RENT BOARDS.

Subdivision 1.

STATEMENT OF PURPOSE:

A serious shortage of rental housing units exists in the City of San Diego resulting in a low vacancy rate and rapidly rising rents exploiting this situation, the deterioration in a significant portion of existing housing and a significant percentage of tenants paying an excessive portion of their incomes for rent. In addition, speculation in the purchase and sale of existing residential housing units results in further rent increases. These conditions adversely affect the health and well-being of San Diego tenants, especially low and moderate income families, minorities, senior citizens, military personnel and students. The purpose of this Article, therefore, is to alleviate the hardship caused by this serious housing shortage by establishing Fair Rent Boards empowered to regulate residential housing in the City of San Diego so that rents will not be increased unreasonably and so that landlords will receive only a fair return on their investments.

Subdivision 2.

DEFINITIONS:

- (A) Boards: The eight (8) Local Boards and the one (1) Central Board established by Subdivision 4 of this Article.
- (B) Rental Units: Any building, structure, or part thereof, land appurtenant thereto, or any real property, rented or offered for rent for living or dwelling purposes, including houses, apartments, rooming and boarding house units, or space rented for a mobile home or

trailer (as defined in California Civil Code #789.4) together with all housing services supplied in connection therewith, with the exception of:

- (1) rental units which a government unit, agency or authority owns, operates, or manages, if the provision of this Article come into actual conflict with applicable Federal and/or State law or administrative regulation;
 - (2) motels, hotels, inns, tourist homes and boarding houses which are rented for transient occupancy which would be subject to tax under Section 7280 of the Revenue and Taxation Code;
 - (3) rental units in any hospital, convent, monastery, extended medical care facility, asylum, non-profit or charitable home for the aged, or dormitory owned and operated by an institution of higher learning;
 - (4) owner occupied buildings consisting of three (3) units or less;
 - (5) rental units, the construction of which was completed on or after the date of passage of this article;
 - (6) rental units which have been vacant for at least six (6) consecutive months and are rehabilitated after the date of passage of this Article by improvements amounting to at least one third ($\frac{1}{3}$) of the appraised value of the rental premises.
- (C) Landlord: An owner, lessor, sublessor or any person entitled to charge or receive rent for the use and occupancy of any rental unit or any agent or successor for any of the foregoing persons.
- (D) Tenant: A renter, subtenant, lessee, sublessee, or any person entitled under the terms of a lease, contract or rental agreement, whether written, oral or implied by law or statute to the use or occupancy of any rental unit, including the surviving spouse of the foregoing persons.
- (E) Interim Boards: The appointed interim boards appointed under Subdivision 3-J of this Article.
- (F) Rent: All periodic payments and all nonmonetary consideration, including but not limited to, the fair market value of goods or services rendered to or for the benefit of the landlord under an agreement concerning the use or occupancy of a rental unit and premises, including all payments and consideration demanded or paid for parking, pets, furniture and cleaning.
- (G) Fair Market Rent: The maximum allowable rent established under Subdivision 7 of this Article.

Subdivision 3.

COMPOSITION AND ELECTION OF FAIR RENT BOARDS:

- (A) Local Boards: There shall be eight (8) Local Boards commensurate with the eight (8) City Council Districts, each board consisting of five (5) members. The ballot shall be divided between landlord candidates and tenant candidates. The voter shall choose two (2) from each group. The four (4) elected members shall choose a fifth member within thirty (30) days who shall be a homeowner who is a resident of the respective district and who is neither a landlord, as defined in Subdivision 2-C hereof, nor a tenant, as defined in Subdivision 2-D hereof. The fifth, chosen, member shall serve as Chair.

person and shall vote only in the case of a tie. Elected members shall serve a term of four (4) years except on the first election at which time the landlord and tenant candidates who receive the highest number of votes in their respective categories shall serve four (4) years and the other elected landlord and tenant candidates shall serve for two (2) years. The fifth, chosen, member shall serve a term of two (2) years but may be re-elected by the Board. No board member shall serve more than two (2) consecutive terms. The first elections shall be held at the Municipal Primary election and elections shall thereafter be held at the Municipal Primary elections.

- (B) Quorum: A quorum of the Board shall consist of three (3) members. Decisions of the Local Boards shall be made upon a majority vote of those Board members present.
- (C) Vacancy: In the event that a vacancy occurs on the Local Boards, it shall be filled by appointment by a majority vote of the Central Board, maintaining the tenant-landlord balance and eligibility requirements, within thirty (30) days.
- (D) Recall: Recall of a Board member shall be considered upon petition of five (5) percent of the registered voters of the respective member's council district. In all other respects the recall of a Board member shall be in accordance with the recall provisions of the Elections Code of the City of San Diego, with the exception that the election for recall of a Board member and election of a successor, as appropriate, shall be done on a council district basis, as provided under Subdivision 2-A of this Article.
- (E) Central Board: There shall be one (1) Central Board consisting of seventeen (17) members, one (1) tenant representative and one (1) landlord representative from each of the eight (8) Local Boards, which representatives shall be selected by the Local Boards from among themselves. The sixteen (16) selected members shall then choose the seventeenth member who shall be neither a tenant nor a landlord, and who shall serve as Chairperson and shall vote only in the case of a deadlocked vote. The members of the Central Board shall be selected immediately upon the appointment of the Interim Local Boards and shall thereafter commence their duties as set forth in Subdivision 6 of this Article. Upon establishment of the first Board, members from the even-numbered City Council Districts shall serve for a period of one (1) year, and members from the odd-numbered Districts shall serve for a period of two (2) years. Thereafter, all appointments shall be for a period of two (2) years.
- (F) Quorum: Nine (9) members shall constitute a quorum for the Central Board. A minimum of five (5) votes shall be required for a decision of the Central Board.
- (G) Vacancy: In the event that a vacancy occurs on the Central Board, it shall be filled by appointment by a majority vote of the Local Board whose seat on the Central Board became vacant, maintaining the tenant-landlord balance and eligibility requirements, within thirty (30) days. A vacancy on the Central Board of its Chairperson shall be filled by the Central Board itself in accordance with section E, above.
- (H) Compensation: All Board members shall be compensated at a rate of \$25 per meeting attended, not to exceed \$2000 per year, to be adjusted annually in accordance with the Consumer Price Index and with

the approval of the City Council. Nothing in this section shall be construed to permit any Board to refuse to hold any hearings and/or meetings which this Article may require, nor to limit the Board's power to delegate its authority to conduct hearings to staff members.

- (I) Absences: Three (3) consecutive unexcused absences shall constitute grounds for removal from the Board.
- (J) Interim Boards: No later than thirty (30) days after adoption of this Article, the San Diego City Council shall appoint persons to the Local Boards in accordance with the provisions of Subdivision 3-A of this Article. The Interim Boards shall exercise all the powers and duties of the Local Boards as set forth in Subdivision 5 of this Article, until such time as the Local Boards are elected in accordance with the provisions of the Subdivision and assume office.

Subdivision 4.

ELIGIBILITY AND ELECTION:

- (A) Tenant Candidate: Any person who is a tenant as defined in Subdivision 2-D and who is not a landlord as defined in Subdivision 2-C of this Article, shall be eligible as a tenant candidate.
- (B) Landlord Candidate: Any person who is a landlord, as defined in Subdivision 2-C of this Article, shall be eligible as a landlord candidate.
- (C) Election: Candidates for election to the Local Boards shall be subject to the same conditions and requirements, including residence requirements, as City Council candidates, with the exception that nomination fees shall be twenty dollars (\$20) per candidate.
- (D) Disclosure Requirements: Every candidate for a Local Board shall be subject to the same campaign disclosure requirements as City Council candidates.

Subdivision 5.

POWERS AND DUTIES OF LOCAL BOARDS:

Each Local Board shall have the following powers and duties:

- (A) To establish the Fair Market Rent for all rental units located within the district of the respective Local Board.
- (B) To accept the registration of all rental units located within the district of the respective Local Board pursuant to Subdivision 6-G of this Article.
- (C) Upon receipt of a petition by a landlord and/or tenant, or upon its own motion, to make adjustments in the Fair Market Rent of individual rental units in accordance with the provisions of this section A.
- (D) To set rents at fair and equitable levels in order to achieve the intent of this Article.
- (E) To issue permits for the removal of any rental unit(s) from the rental-housing market as herein set forth. Any landlord who desires to remove any rental unit(s), as defined in Subdivision 2-B of this Article, from the rental housing market by demolition or conversion from a housing use to a non-rental housing use, or other means is required to obtain a permit from the Local Board in whose boundaries the rental unit(s) is (are) located prior to their removal from the rental housing market. In order to approve such a permit, the appropriate

Local Board is required to make each of the following findings, after holding public hearings according to the provisions of Subdivision 4-F of this Article:

- (1) That the rental unit(s) sought to be converted is (are) not occupied by a person or family of low income, very low income or moderate income.
- (2) That the rent of the rental unit(s) sought to be converted is (are) not at a level affordable by a person or family of very low income, low income or moderate income.
- (3) That the rental unit(s) sought to be converted is (are) not occupied by a person or family with special needs, including but not limited to the elderly, the handicapped as defined in Health and Safety Code #41041, or tenants with minor children.
- (4) That the removal of the rental unit(s) sought to be converted will not adversely affect the supply of rental housing in the City of San Diego.
- (5) That the landlord cannot make a fair return on investment by retaining the rental unit(s) in the rental housing market.

Notwithstanding the foregoing provisions of this paragraph, the appropriate Local Board may approve such a permit if it finds that the rental unit(s) sought to be converted or demolished is (are) uninhabitable and is (are) incapable of being made habitable in an economically feasible manner. Furthermore, nothing in this section shall limit or otherwise condition the rights of a landlord to institute legal proceedings against a tenant(s) for recovery of possession of the rental unit(s) in question.

(F) Hearing Procedures:

- (1) The appropriate Local Board shall notify the landlord or tenant by registered mail within five (5) days of the filing of a petition, including a copy of the petition with the Notice. The affected Landlord or tenant shall then have ten (10) days from the date of the Board's notice, within which to file a written answer with the appropriate Local Board, with a copy thereof to the landlord or tenant, whichever is appropriate.
- (2) Each respective Local Board may use Hearing Officers to conduct its rent adjustment hearings. Such Hearing Officers shall make proposed findings of facts and conclusions of law in writing and shall file a copy thereof with the appropriate Local Board within ten (10) days after the conclusion of the hearing. Within ten (10) days after receiving a copy of the Hearing Officer's proposed decision, the Local Board shall adopt the decision in its entirety or decide the matter itself based upon the transcript, with or without taking additional evidence. If the decision of the Local Board differs materially from the proposed decision of the Hearing Officers, a copy of the Hearing Officer's proposed decision shall be served upon all affected parties along with a copy of the decision of the Board itself.
- (3) Each respective Local Board shall notify all parties as to the time, date and place of the hearing. Hearings shall be scheduled for times which are convenient for all parties, including evenings and weekends when necessary, and may be continued upon request and a showing of good cause for the continuance.

- (4) All petitions pertaining to tenants occupying the same building, project or complex may be consolidated for hearing at the discretion of the appropriate Local Board, unless there is a showing of good cause not to consolidate such petitions.
- (5) The Board or Hearing Officer may require either party to a hearing to provide it with any books, records and papers deemed pertinent in addition to that information contained in registration statements and is authorized to administer oaths and affirmations and subpoena witnesses.
- (6) All hearings shall be open to the public.
- (7) All Parties to a hearing may have assistance in presenting evidence and developing their position from attorneys, legal workers, tenant union representatives or any other person(s) designated by the parties.
- (8) The Board shall make available for inspection and copying by any person an official record which shall constitute the exclusive record for decision on the issues at the hearing. The record of the hearing, or any part of one, shall be a public record and shall be obtainable for the cost of copying. The record of the hearing shall include all exhibits, papers and documents required to be filed or accepted into evidence during the proceedings, a list of participants present, a summary of all testimony accepted in the proceedings, a statement of all materials officially noticed, all recommended decisions, orders and/or rulings and the reasons for each final decision, order and/or ruling.
- (9) No individual rent adjustment shall be approved unless supported by the preponderance of the evidence submitted at the hearing. All parties to a hearing shall be sent a notice of the Board's decision showing the findings of fact and conclusions of law upon which the decision is based. At the same time, the parties to the proceedings shall also be notified of their right to judicial review pursuant to Subdivision 12 of this Article.
- (10) In making individual Fair Market Rent adjustments, all relevant factors shall be considered on a case-by-case basis, including but not limited to those specified in Subdivision 8 of this Article.
- (11) Where the Board approves an upward rent adjustment, such approval may be ordered effective retroactive to the date of the filing of the petition by the landlord where necessary, in the Board's opinion, to avoid undue hardship to the landlord, and the amount of such approved upward adjustment shall be amortized over future monthly rental payments of the affected tenant(s) to the affected landlord so as to avoid undue hardship on the tenant(s).
- (12) The rules and regulations adopted by the Central Board shall provide for final Local Board action on any individual rent adjustment petition within sixty (60) days following the date of filing of the petition for hearing, except that petitions filed within the first three (3) months after appointment of the Interim Board shall be processed to a final decision within four (4) months of the date of filing of the tenant's petition. Where no decision of a Local Board upon a individual request for either an upward or downward rent adjustment is rendered within the

time limits herein specified, such request shall be deemed denied.

Subdivision 6.

POWERS AND DUTIES OF THE CENTRAL BOARD:

The Central Board shall have the following powers and duties:

- (A) To hire and compensate necessary staff, including Hearing Officers, to conduct hearings, issue orders, rules and regulations and charge fees as set forth in Subdivision 16 of this Article.
- (B) The Central Board shall issue and follow such rules and regulations, including those which are contained in this Article, as will further the purposes of this Article. The Central Board shall publicize its rules and regulations prior to promulgation in at least one (1) newspaper with general circulation in the City of San Diego. The Central Board shall hold at least one (1) public hearing to consider the views of interested parties prior to the adoption of such rules and regulations, prior to the adoption of general adjustments of Fair Market Rents under section 1 of this Subdivision and prior to any determination to suspend or reimpose the requirements and procedures of this Article under Subdivision 10 herein. All rules and regulations, internal staff memoranda and written correspondence explaining the decisions, orders and policies of the Central Board or any Local Board shall be kept in the office of the Central Board and shall be available to the public for inspection and copying (at the expense of the person requesting the copying). The Central Board shall publicize this Article so that all residents of the City of San Diego will have the opportunity to become informed of their rights and duties hereunder. The Central Board shall propose, as soon as is practicable, a brochure which fully describes the legal rights and duties of landlords and tenants in the City of San Diego under this Article. The brochure shall be available to the public. The Central Board shall require that each tenant of a rental unit(s) be given a copy of the brochure by his/her landlord.
- (C) To make such studies, surveys and investigations, conduct such hearings and obtain such information as is necessary to carry out its powers and duties.
- (D) To report annually to the San Diego City Council on the status of the rental housing market which is subject to the provisions of this Article.
- (E) To suspend application of the rent adjustment hearing requirements of this Article, as set forth in Subdivision 10 of this Article.
- (F) To administer oaths and affirmations and subpoena witnesses.
- (G) Within ninety (90) days after adoption of this Article, the Central Board shall require the registration of all rental units with each Local Board in whose jurisdiction the rental unit(s) is (are) located and their re-registration at annual intervals. The initial registration shall include the rent in effect at the time of this Article, the rent in effect as of August 3, 1977, the address of the rental unit(s), the name and address of the landlord, the housing services provided to the rental unit(s), a statement indicating all operating cost increases since August 3, 1977 and any other information deemed relevant by the

Central Board. If the Central Board, after the landlord has proper notice and after a hearing by the appropriate Local Board, determines that a landlord had willfully and knowingly failed to register a rental unit(s), the Central Board may authorize the tenant of such a non-registered rental unit(s) to withhold all or a portion of the rent for the unit(s) until such time as the rental unit(s) is properly registered. After a rental unit is properly registered, the Board shall determine what portion, if any, of the withheld rent is owed to the landlord for the period in which the rental unit(s) was not properly registered. Whether or not the Central Board allows such withholding, no landlord who has failed to register properly shall be entitled at any time to a rent increase for a rental unit(s) until such unit(s) are properly registered.

- (H) To issue annual reports on the status of rental housing and the existing vacancy rates in the City of San Diego.
- (I) The Central Board may, after holding those public hearings prescribed by section B of this Subdivision, set and adjust upward or downward, the Fair Market Rent for all rental units in general and/or for particular classes, categories or areas of rental units. The Board may order that such adjustment not take effect immediately, where necessary, to avoid undue hardship. In making general adjustments of the Fair Market Rent, the Board shall consider the purposes of this Article and shall specifically consider those factors specified in Subdivision 8 of this Article. The Central Board shall establish and publish guidelines for the determination of particular classes, categories or areas of rental unit(s) which may be required by this section and/or by Subdivision 10 of this Article, which are consistent with the purposes of this Article and which shall consider such factors as economics, location, size, housing services furnished, age and physical condition.

Subdivision 7.

FAIR MARKET RENTS:

Beginning with the date of this Article, no landlord shall charge rent for any rental unit(s) in an amount greater than the rent in effect on August 3, 1977, until and unless such rent is adjusted under Subdivisions 5 and 6 of this Article. If there was no rent in effect on August 3, 1977, the rent shall be that charged on the first date that rent was charged following August 3, 1977. As soon as the landlord is aware of the Fair Market Rent, the Landlord shall post it for each unit in a prominent place in or about the affected rental unit. The Central Board may require that other information it deems relevant also be posted.

Subdivision 8.

FACTORS:

The Central Board shall make its determination upon general Fair Market Rent adjustments based upon all relevant factors, including but not limited to the following:

- (A) Increases or decreases in property taxes, unavoidable increases or decreases in operating and maintenance expenses, capital improvement of the rental unit(s) as distinguished from repair, replacement and maintenance.

- (B) Increases or decreases in living space, furniture and fixtures, amenities, services and facilities.
- (C) Substantial deterioration of the rental unit(s) other than as a result of ordinary wear and tear, or failure on the part of the landlord to provide adequate housing services.
- (D) Failure on the part of the landlord to comply substantially with applicable housing, health and safety codes.
- (E) Federal and State income tax benefits, whether or not the property was acquired or is held as a long-term or short-term investment and the landlord's rate of return on investment.
- (F) The amount of hardship on affected landlords and tenants.

It is the intent of this Article that rent increases be allowed only when demonstrated necessary to the landlord making a fair return on investment. No rent increase shall be authorized by this Article because a landlord has a negative cash flow if at the time the landlord acquired the rental unit(s), the landlord could reasonably have foreseen a negative cash flow based upon the rent schedule then in existence within the one (1) year period following acquisition of the rental units acquired after the date of this Article.

Subdivision 9.

EVICCTIONS:

No landlord shall bring any action to recover possession of a rental unit(s) subject to this Article unless:

- (A) The tenant has failed to pay the rent to which the landlord is entitled under the rental housing agreement.
- (B) The tenant has violated a material obligation or covenant of his/her tenancy other than the obligation to surrender possession upon proper notice and has failed to cure such violation after having received written notice thereof from the landlord in the manner required by law.
- (C) The tenant is committing or expressly permitting to exist a nuisance in, or is causing substantial damage to, the rental unit, or is creating a substantial interference with the comfort, safety or enjoyment of the landlord or other occupants or neighbors of the rental unit(s).
- (D) The tenant is convicted of using or expressly permitting a rental unit to be used for any illegal purpose.
- (E) The tenant gives written notice of his intention to terminate the tenancy, or makes a written offer to surrender which is accepted in writing by the landlord, but fails to deliver up possession at the time specified in said written notice, without the permission of his/her landlord, or the successor in estate of the landlord, if any.
- (F) The tenant, whose rental agreement has been terminated, has refused, after written request or demand by the landlord, to execute a written extension or renewal thereof for a further term of like duration and in such terms as are not inconsistent with or violative of any provisions of this Article and are materially the same as in the previous agreement.
- (G) The tenant has refused the landlord reasonable access to the rental unit for the purpose of making necessary repairs or improvements

required by the laws of the United States, the State of California or any subdivision thereof, or for the purpose of showing the rental unit to any prospective purchaser or mortgagee.

- (H) The tenant holding at the end of the term of the rental agreement is a subtenant not approved by the landlord.
- (I) The landlord seeks to recover possession in good faith for use and occupancy of himself or herself, or his/her children, parents, brothers, sisters, father-in-law, mother-in-law, son-in-law or daughter-in-law.
- (J) The landlord seeks to recover possession to demolish or otherwise remove the rental unit(s) from rental housing use after having obtained all proper permits from the City of San Diego and the appropriate Local Boards established by this Article.

Notwithstanding the above provisions, possession shall not be granted to the landlord if it is determined that the eviction is in retaliation for the tenant exercising his/her rights under this Article, for reporting violations of this Article, including the right to withhold rent upon authorization of an appropriate Local Board or for organizing other tenants. In any action brought to recover possession of a rental unit(s), the landlord shall allege and prove compliance with this Subdivision.

Subdivision 10.

DETERMINATION OF APPLICABILITY OF ARTICLE:

The Central Board shall conduct an annual survey of rental housing in the City of San Diego upon which it shall determine vacancy rate. If the average annual rate in any category, classification, or area of rental units, as determined by the Board in accordance with the guidelines established pursuant to Subdivision 6 of this Article, exceeds five (5) percent, the Central Board is empowered, at its discretion and in order to achieve the objectives of this Article, to suspend application of the rent regulation provisions of this Article to any such category, classification or area. The Central Board must determine such categories, classifications or areas for the purpose of this section consistent with the objectives of this Article. In determining the vacancy rate for any category, classification or area of rental units, the Central Board shall consider all available data and shall conduct its own survey. If the rent regulation provisions and requirements of this Article are suspended under this paragraph with respect to any category, classification or area of rental units, the Central Board shall reimpose said provisions and requirements of this Article if it finds that the average annual rate has thereafter fallen below five (5) percent for such category, classification or area.

Subdivision 11.

NON-WAIVERABILITY:

Any provision, whether oral or written, in or pertaining to a rental housing agreement whereby any provision of this Article for the benefit of any party affected by this Article is waived, shall be deemed to be against public policy and shall be void.

Subdivision 12.

JUDICIAL REVIEW:

A Landlord or Tenant aggrieved by any action or decision of any Local

Board may seek judicial review by appealing to the appropriate court within the jurisdiction.

Subdivision 13.

CIVIL REMEDIES:

- (A) Any landlord who accepts any payment of rent in excess of the rent designated by the appropriate Local Board shall be liable to the tenant for reasonable attorney's fees and cost as determined by the court, plus damages of three (3) times the amount by which the payment exceeded the lawful rent, or \$200, whichever is greater.
- (B) In lieu of filing a civil action as provided in the preceding paragraph, the Central Board shall establish by rule and regulation a hearing procedure similar to that set forth in Subdivision 5-F of this Article for determination, by the appropriate Local Board, of the amount of the penalties the tenant is entitled to pursuant to Subdivision 8-A of this Article. After said determination, the tenant may deduct the penalty from future rent payments in the manner provided by the Board.
- (C) If the tenant from whom such excessive payment accepted in violation of the foregoing provisions of this Article fails to bring a civil or administrative action as provided for in Subdivision 7-A of B within one hundred and twenty (120) days from the date of occurrence of the violation, the appropriate Local Board may assert on behalf of the tenant the claim arising out of the violation. Thereafter, the tenant on whose behalf the Board acted is barred from also bringing an action against the landlord in regard to the same violation for which the Board has made a settlement or brought an action. In the event the Board settles said claim, it shall be entitled to retain the costs it incurred in settlement thereof and the tenant against whom the violation has been committed shall be entitled to the remainder.
- (D) Any landlord who violates any provision of this Article, other than as set forth in section (A) of this Subdivision, shall be liable to any aggrieved tenant for such tenant's actual damages caused by the landlord's violation, plus reasonable attorney's fees and a maximum of \$250 exemplary damages.
- (E) The appropriate court in the jurisdiction in which the affected rental unit(s) is (are) situated shall have jurisdiction over all actions brought under this Subdivision.

Subdivision 14.

CRIMINAL REMEDIES:

Any landlord who willfully and knowingly violates this Article shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this Article shall be punished by a fine of not more than one thousand dollars (\$1000).

Subdivision 15.

DECLARATORY AND INJUNCTIVE RELIEF:

The respective Local Boards, the Central Board and Tenants and Landlords of Rental Units, may seek relief from the appropriate court within

the jurisdiction within which the affected Rental Units are located to restrain or enjoin any violation of this Article and of the rules, regulations, ordered and/or decisions of the respective Boards, and/or to obtain a judicial declaration of the rights and responsibilities of the affected parties under any provision of this Article and under any of the rules, regulations, orders and/or decisions of any of the respective Boards established under this Article.

Subdivision 16.

FUNDING:

The City of San Diego shall use available federal funds for the administration of the provisions of this Article whenever possible. Monies from the General Fund of the City of San Diego shall be utilized for the purpose of this Article only when necessary.

All Landlords under the jurisdiction of this Article shall pay an annual fee of two dollars (\$2.00) per rental unit, which amount may be adjusted upward or downward by the Central Board after holding at least one (1) public hearing when necessary to assure proper administration of this Article. Each party who files a petition pursuant to Subdivision 5 of this Article shall pay one dollar (\$1.00) upon filing of each petition.

Subdivision 17.

PARTIAL INVALIDITY:

If any provision of this Article or application thereof to any person or circumstances is held invalid, this invalidity shall not affect other provisions or applications of this Article which can be given effect without the invalid provision or application. To this end the provisions of this Article are declared to be severable. This Article shall be liberally construed to achieve the purpose of this Article and to preserve its validity.

ARGUMENT IN FAVOR OF PROPOSITION O

1. **Does San Diego need rent and condominium conversion control?** Yes. San Diego, along with the rest of the State, is suffering from a well-documented housing shortage and rental inflation. The situation is made worse by real estate speculation and condominium conversions which further shrink the housing supply. Senior citizens, young people, military and all low and moderate income families deserve the relief promised by Proposition 13 that never came. Los Angeles, San Francisco and San Jose have rent control laws passed by their legislative bodies. San Diego is still the exception among the four largest cities in California.

2. **What will the initiative mean to renters and landlords?** It will provide fair rents to both and preserve the supply of apartments by regulating condominium conversions.

3. **Won't rent control discourage construction of new rental housing?** No. The initiative exempts all units completed on or after the date the initiative passes. A 1978 State of California Housing Survey showed that moderate rent control has no significant effect on new construction.

4. **Will the initiative cause poor maintenance and abandonment of rental housing?** No. The same State survey showed that maintenance increased in rent control cities and had no relationship to abandonment. This initiative, in fact, will allow tenants to seek a reduction in rents from landlords who fail to adequately maintain the property.

5. **Who will decide rent and conversion issues?** Neighborhood boards composed of one homeowner, two landlords and two tenants. Property owners will obviously be the majority on the boards.

6. **Is rent control permanent?** No. It may be dropped when the annual vacancy rate for rental units rises above 5%.

7. **What will it cost?** San Jose's rent control cost for the first year for 50,000 units was \$132,000. San Diego has about 150,000 units and compared to San Jose would cost \$396,000.

GWEN G. DAVIS
Chairperson
Coalition for Fair Rent

JOSEPH STERN
President, Congress of Seniors

MEL SHAPIRO
Treasurer, Coalition for Fair
Rent Campaign Committee

ARGUMENT AGAINST PROPOSITION O

ARE YOU PREPARED TO SPEND \$10 MILLION FOR A NEW GOVERNMENTAL BUREAUCRACY?

IF NOT, VOTE **NO** ON PROPOSITION O!

Rent control. From the South Bronx to Los Angeles, it has failed miserably.

Rent control kills incentives to build new apartments, the only real way to bring rents down. A temporary new construction exemption won't work.

Rent control has shrunken the supply of rental housing in Los Angeles and Santa Monica so virtually no vacancies exist!

Ironically, rent control most cruelly penalizes the poor — the very people in need of rentals. While the rich won't have any problems finding a place to live, the average family will be doubling up in poorly maintained housing.

Do we want this for San Diego?

Proposition O creates a vast bureaucracy of nine boards composed of 41 paid officials with staffs without limit to size or pay scale.

The estimated price tag for this (based on Santa Monica's experience) is \$10-million-a-year, to be paid by renters or you as taxpayers.

Would you operate and maintain apartments if you were compelled to roll back rents to August 1977? Of course not!

If the private sector is driven out of its role as provider of rental housing, who's going to do the job? Right: The government.

Do you want government housing? The \$10-million would be a drop in the bucket compared to the cost of the public housing rent control leads to.

Rent control: Reduced maintenance, deteriorating neighborhoods, abandonments, urban blight.

Admittedly, we need new, affordable rental housing, which the city and the private sector are working to produce.

Rent control will guarantee the failure of that effort and reduce the rental housing so badly needed.

Don't ruin San Diego.

Whether you are a homeowner or renter, vote **NO** on Proposition O.

PETER L. FRITZ
President
San Diego Taxpayers Association

PETE WILSON
Mayor
City of San Diego

LEONARD J. HANSEN
Editor and Publisher
Senior World

CLARENCE PENDLETON
President
San Diego Urban League

YVONNE LARSEN
President
San Diego Unified School District Board