

Municipal General Election

City of San Diego

April 15, 1947

4-15-1947

RESULT

Before it adjourns the precinct board shall post by all the members of the board. (Section 153, City E

Total Vote Cast in The City Was 47,294

TOTAL REGISTRATION WAS 1402,006

FOR COUNCILMAN DISTRICT NO. 2		(Vote for One)	
CHARLES B. WINCOTE (Incumbent)	36,543		
FOR COUNCILMAN DISTRICT NO. 3		(Vote for One)	
ELMER H. BLASE (Incumbent)	28,072		
ELMER H. HARTMAN	12,308		
FOR COUNCILMAN DISTRICT NO. 5		(Vote for One)	
CHARLES C. DAIL (Incumbent)	26,862		
HAROLD G. BRUCKER	15,488		
FOR COUNCILMAN DISTRICT NO. 6		(Vote for One)	
VINCENT T. GODFREY (Incumbent)	51,423		
ESTELLE M. HENDERSON	10,534		

of Polling Place and send the copy to the City Clerk's Office in envelope

REPORT OF VOTES CAST

at the Municipal General Election, April 15, 1947

shall post conspicuously on the outside of the polling place a copy of the result of the votes cast. The copy shall be signed
53, City Election Code).

O-3351 Props 1-3

<p>PROPOSITION NO. 1. Amend Article X and Repeal Article XI of the Charter of The City of San Diego.</p> <p>This proposition creates a new consolidated Police and Fire Retirement System for those members of the Police and Fire Departments who were in the employ of The City of San Diego on June 30, 1946, to be operated by a Board of Trustees with the advice and assistance of actuaries to be employed for that purpose to the extent that the system will be actuarily solvent in 30 years, under rules and regulations which allow optional payments to retiring or disabled policemen and firemen eligible under the system, thus consolidating the present Police Relief and Pension Fund and the Firemen's Relief and Pension Fund; and further provides for the eventual termination of the system; and further provides that all policemen and firemen employed after June 30, 1946, shall be and become members of the City Employees' Retirement System.</p>	YES	271,543	Total Vote Yes
	NO	151,947	No
TOTAL VOTE 43,490			
<p>PROPOSITION NO. 2. Amend Section 42 of the Charter of The City of San Diego.</p> <p>This amendment reduces the term of office of the members of the Planning Commission of The City of San Diego to two years, or until their successors are elected and appointed and qualified; eliminates the requirement that one member of the Planning Commission shall be an architect, and that one member shall be a member of the Council; and provides that the City Engineer and City Attorney, or their designated representatives, shall be members ex-officio of said Planning Commission, but that neither of said officers shall have the right to vote.</p>	YES	269,910	Total Vote Yes
	NO	141,602	No
TOTAL VOTE 41,512			
<p>PROPOSITION NO. 3. Amend Section 40 of the Charter of The City of San Diego.</p> <p>This amendment provides that the salary of the City Attorney shall be fixed by the City Council, but that in no event shall said salary be less than \$6,500.00 per year, payable semi-monthly.</p>	YES	227,700	Total Vote Yes
	NO	181,596	No
TOTAL VOTE 41,296			
<p>PROPOSITION NO. 4. Do you favor the acquisition of land by The City of San Diego for the location of future public buildings to be constructed in The City of San Diego, and for which public funds are now available, along and abutting upon Cedar Street, between the westerly line of Third Avenue and the easterly line of Pacific Boulevard, in said City?</p>	YES	181,306	Total Vote Yes
	NO	26,389	No
TOTAL VOTE 44,695			
<p>PROPOSITION NO. 5. Do you favor relinquishing a portion of Balboa Park in The City of San Diego for use as a site for the erection of future public buildings, including city, county, state and school administration buildings, to be constructed in said City?</p>	YES	7,441	Total Vote Yes
	NO	36,145	No
TOTAL VOTE 44,145			
<p>PROPOSITION NO. 6. Shall the use as a public park of that portion of Torrey Pines Park owned by The City of San Diego, consisting of a strip of beach lands adjacent to the mean high tide line of the Pacific Ocean, from the northerly city limits line to a point approximately 3 1/2 miles south, containing 60.50 acres, more or less, be discontinued, and upon the discontinuance of the use of said real property as a public park shall the same be used for another public purpose, to-wit: For the purpose of permitting The City of San Diego to convey all or portions of said land to the State of California for a State Park; said lands to be abandoned and discontinued in use as a public park being more particularly described in Ordinance No. 3366 (New Series) of the ordinances of said City?</p>	YES	27,808	Total Vote Yes
	NO	14,765	No
TOTAL VOTE 42,573			

00354

**PROPOSED
AMENDMENTS
TO THE
CHARTER
OF THE CITY OF
SAN DIEGO**

CERTIFICATE OF CITY CLERK

I, Fred W. Sick, City Clerk of The City of San Diego, California, do hereby certify that the herein propositions will be submitted to the electors of the City of San Diego at the Municipal General election to be held on Tuesday, April 15th, 1947.

**FRED W. SICK,
City Clerk.**

4-15-1947

These proposed amendments expressly amend existing sections of the Charter; therefore, EXISTING PROVISIONS proposed to be DELETED are printed in BRACKETS; and NEW PROVISIONS proposed to be INSERTED are UNDERSCORED.

4-15-1947

PROPOSITION NO. 1

Amend Article X of the Charter of The City of San Diego, so as to read as follows:

"ARTICLE X

THE POLICE AND FIRE RETIREMENT SYSTEM

Section 149. POLICE AND FIRE RETIREMENT SYSTEM. There is hereby created a Police and Fire Retirement System for policemen and firemen of The City of San Diego who were regularly employed and members of their respective pension systems on June 30, 1946, which, subject to the provisions of this Charter, shall be administered and controlled by a Board of Trustees. The Board of Trustees shall be composed of nine members selected as follows: three to be chosen by election by and from the members of the Fire Department of said City; three to be chosen by election by and from the members of the Police Department of said City; the City Treasurer; and two qualified registered electors of the City at large, selected by the City Manager. Only those policemen or firemen who have had seven years' experience in their respective departments and who were entitled to the benefits of their respective pension systems on June 30, 1946, shall be eligible for election to said Board.

Section 150. ELECTION OF BOARD OF TRUSTEES. Elections for the members of said Board of Trustees shall be by secret ballot held every two years on the third Monday in April. Members of the Police Department and members of the Fire Department shall each conduct their own election for members of said Board of Trustees under rules and regulations prescribed by the Board of Trustees. At the election for members of the Board of Trustees selected by the members of the Fire Department, all regular members of such department who were members of the Firemen's Relief and Pension Fund on June 30, 1946, and who are in good standing at the date of the election shall have the right to vote; and at the election held by the members of the Police Department for such trustees as are selected by the Police Department, all policemen who were members of the Police Relief and Pension Fund on June 30, 1946, shall have the right to vote. Trustees elected by members of the Police and Fire Departments shall hold office for two years and until their successors are elected and qualified.

The trustees selected by vote of the policemen and firemen, however, shall be subject to recall as hereinafter provided. Upon receiving a petition signed by twenty-five per cent of the regular members of the Police

4-15-1947

Department eligible to vote for trustees as herein provided, asking the recall of any or all representatives of such Police Department on said Board of Trustees, the Board of Trustees shall, within ten days after determining the sufficiency of such petition, call an election within such Police Department for the recall of any or all of such trustees representing the Police Department. If a majority of the members of the Police Department voting upon the question of recall of such representative of the Police Department upon such Board of Trustees vote in favor of a recall, then such members or member, as the case may be, shall be removed from their or his office. The same procedure as herein specified for the recall of members representing the Police Department shall be followed in the event of the recall of the members of the Board of Trustees representing the Fire Department. In the event of death, retirement, resignation, failure or inability of any member of the Board of Trustees to act, if his position be elective, his successor shall be chosen at a special election which shall be called by the Board of Trustees within thirty days of the time the vacancy is declared and shall be conducted in the same manner as the regular election.

Section 151. OFFICERS OF TRUSTEES. The Board of Trustees, upon selection and qualification as herein provided, shall organize themselves by selecting a Chairman, a Vice-Chairman and a Secretary. The Chairman shall be selected from either the representatives of the Police Department or the representatives of the Fire Department, in which case the Vice-Chairman shall be selected from representatives of the Department not securing the chairmanship. The Chairman and Vice-Chairman so selected shall hold office as Chairman and Vice-Chairman for one year, on the expiration of which the Board of Trustees shall select a new Chairman and Vice-Chairman from members of the Trustees representing the Police and Fire Departments.

Section 152. POLICE AND FIRE RETIREMENT SYSTEM FUND. There is hereby created in the City Treasury a fund to be known as the Police and Fire Retirement System Fund, into which shall be placed all moneys designated by this Charter to be paid into said fund, including the moneys now in the Police Relief and Pension Fund and Firemen's Relief and Pension Fund, subject, however, to the provisions of Section 172 hereinafter contained. This fund shall constitute a trust fund for the benefit of the members of the San Diego Police and Fire Departments and shall be used exclusively for the payment of pensions under the terms and provisions of this Article, including pensions heretofore granted under the provisions of the Charter prior to this amendment. No expenditures shall be made from said fund except on order of the Board of Trustees.

4-15-1947

Members of the Police and Fire Departments entitled to the benefits of this Article shall consist of the Chief of each Department and all officers and members of each Department who were appointed prior to July 1, 1946, and who were prior to said date entitled to the pension benefits of their respective Departments under the then existing Charter.

Section 153. INVESTMENT OF FUNDS. The Board of Trustees is hereby authorized to invest any moneys in the Police and Fire Retirement System Fund in approved United States Government, State of California, municipal or county bonds, which qualify and are eligible for the investment of public trust funds, recommended by the Funds Commission of The City of San Diego; provided, however, that sufficient money shall always be kept in such fund to meet the pension payments provided for in this Article.

Section 154. MEETINGS OF BOARD. The Board of Trustees shall hold quarterly meetings on the third Monday of January, April, July and October of each year and upon the call of its Chairman. The time and place of such meetings shall be posted on bulletin boards at the Fire Department headquarters and at the Police Department headquarters and at the San Diego City and County Administration Building at least seven (7) days before each meeting. A majority of the members of the Board shall constitute a quorum and shall have power to conduct business.

No moneys shall be paid from the Police and Fire Retirement System Fund except upon order of the Board of Trustees, which order shall be signed by the Chairmen and Secretary of said Board of Trustees and directed to the Auditor and Comptroller of said City, who shall issue warrants therefor. The time and method for approving and paying pension claims and the maintaining and keeping of complete pension records shall be fixed by rules and regulations of said Board of Trustees. The Board of Trustees shall keep a record of all proceedings of such Board, which shall be a public record.

Section 155. TREASURER OF FUND. The Treasurer of The City of San Diego shall act as Treasurer and Custodian of said Fund, and the Treasurer's official bond shall also cover his duties as Treasurer of said fund.

Section 156. POWERS OF BOARD. The Board of Trustees herein provided for shall, in addition to other powers granted hereby, have power, first: to compel witnesses to attend and testify before it on all matters connected with the operation of this system in the same manner as is or may be provided for by law for taking of testimony before notaries public; second: to make all needful regulations and rules for its guidance in conformity with the provisions of this Charter.

4-15-1947

Section 157. CONTRIBUTIONS TO FUND BY MEMBERS. Commencing on the first day of the month next succeeding the effective date of this amendment, the Auditor and Comptroller of The City of San Diego shall retain from the pay of each person who is eligible to the benefits of the Police and Fire Retirement System a sum equal to eight per cent (8%) of the amount paid said person, which sum shall be paid into the said Police and Fire Retirement System Fund; and no other or further retention or reduction shall be made from such pay for any retirement or pension purposes. Provided, however, that all contributions to be made by any member of the Police or Fire Departments of The City of San Diego to the Police and Fire Retirement System Fund shall cease when said member has become eligible to retire or has retired.

Section 158. CONTRIBUTIONS TO FUND BY COUNCIL. (1) The Council shall appropriate in the annual appropriation ordinance to the credit of the Police and Fire Retirement System Fund, for the purposes of this Article, the following moneys:

(a) A sum equal to the amount to be paid into the Police and Fire Retirement System Fund by the members thereof each year, as required under Section 157 of this Charter.

(b) Such additional sum of money as shall be sufficient to meet all current and future liabilities of the fund within thirty (30) years from the effective date of this provision and to maintain said fund in an actuarially solvent condition thereafter. Said Board of Trustees, in computing said sum, shall avail themselves of the services of the actuary to be employed by the City Manager as provided in Section 161.

(2) The Council shall also appropriate in the annual appropriation ordinance, to the credit of a fund to be known as the Police and Fire Retirement System Expense Fund, sufficient money from which shall be paid the expenses necessary in connection with the administration and operation of this system. Annually the Board of Trustees shall estimate the amount of money necessary to be paid into said expense fund for the ensuing year, and such estimate shall be submitted to the City Manager in accordance with Section 69 of Article VII of this Charter.

Section 159. PENSIONS TO REMAIN FIXED. No pension granted or authorized hereunder shall be increased or decreased after the amount has been fixed lawfully by order of the Board of Trustees, except as provided in Section 163 hereof.

Section 160. RETIREMENT FOR SERVICE. Each member of the Police or Fire Departments of the City who is entitled to the benefits of

4-15-1947

this system shall be entitled to retire from active service of said City and receive retirement pay thereafter from said City pursuant to and in accordance with the provisions and subject to the qualifications of this section, as follows:

(a) Whenever any policeman shall have served for twenty years or more in the aggregate as a member or employee in any rank or capacity in the Police Department of The City of San Diego; provided, however, that members of said Police Department who entered the service of the Department subsequent to the 8th day of May, 1941, shall not be retired before they reach the age of fifty years and before twenty-five years of service in the aggregate.

(b) Whenever any fireman shall have served for twenty years or more in the aggregate as a member in any rank or capacity of the regularly constituted force of the San Diego Fire Department, or in any department of said force; provided, however, that members of the San Diego Fire Department who entered the service of the said Fire Department subsequent to January 1, 1936, shall not be retired before they reach the age of fifty years and before twenty-five years of service in the aggregate.

(c) The Board of Trustees shall, upon the request of such or any member, or without such request and with the approval and consent of the City Manager, if it deem it for the good of the service, retire such member from further service in the Police or Fire Department; and from the date of such order of retirement the service of such person shall cease.

(d) At the time of retirement the person so retired shall have the option to elect one of the following types or kinds of pension payment plans:

Plan No. 1. A yearly pension (for the life of such member) equal to one-half of the amount of the average yearly salary of said person for the five years immediately preceding the date of his retirement, payable to him in monthly installments; provided that the amount of salary paid such retiring person during said five years in excess of four hundred dollars (\$400.00) per month shall not be used in such computation, and provided further that when one who is eligible to the benefits of this system has elected the type of pension he shall receive, the amount of such pension shall not increase or decrease. The amount of pension to which a retiring member is entitled under this plan shall never exceed two hundred dollars (\$200.00) per month, and no deduction or retention authorized by Section 157 of this Charter shall be made or taken from that portion of salary paid to any member of either department in excess of four hundred dollars (\$400.00) per month.

4-15-1947

Plan No. 2. Such other form of benefit as shall be certified by the actuary to be of equivalent actuarial value to a straight pension for life hereinbefore provided for in Plan No. 1; provided that the Board of Trustees shall determine that the granting of such optional allowance is consistent with the purpose of the Police and Fire Retirement System and shall be necessary or desirable from the point of view of the member. The power of the Board of Trustees to determine the amounts to be paid the beneficiaries under Plan No. 2 above named shall be limited as follows:

In the event the plan selected provides for the payment of a pension to minor children of the retiring person, then the Board shall have no power to provide for pension payments to such minor children after they have attained the age of eighteen years.

(e) If a member in the service of either the Police or Fire Department dies or is adjudged to be incompetent without having exercised his option as above provided, and at the time of his death or the date of adjudication of such incompetency was eligible to receive a pension from this system, and leaves surviving him a spouse or minor children, the Board of Trustees shall pay to the surviving widow, if any, and to surviving minor children, if any, a pension under Plan No. 2.

(f) In computing the time of service required for retirement, the amount of time served by a member of either the Police or Fire Department, in the United States Army, Navy, Marine Corps, or any division thereof, in time of War, while on leave of absence from said City employment, shall be counted as a part of the aggregate service required for a retirement pension, and this time shall be counted even though the right to retire shall have occurred during the time such person is on such leave of absence in the service of the United States in time of War.

Section 161. EMPLOYMENT AND DUTIES OF ACTUARY. The City Manager shall employ an actuary, who shall be the technical adviser of the Board of Trustees on matters relating to the operation of the Police and Fire Retirement System and who shall perform such other duties as may be required of him by said Board of Trustees in connection therewith.

The Board of Trustees, upon the recommendation of the actuary, shall adopt such mortality and other tables and rates as may be necessary.

An actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the Police and Fire Retirement System and an actuarial valuation of the assets and liabilities and the funds of the system shall be made at intervals of not to exceed five (5) years.

4-15-1947

Taking into account the result of such investigation and values, the Board of Trustees may:

(a) Adopt for the said system such mortality, service and other tables as shall be deemed necessary.

(b) Recommend the rate or amount of contribution payable by The City of San Diego under the provisions of this Charter.

Section 162. PAYMENTS FOR DEATH IN SERVICE. Whenever any member who is entitled to the benefits of this system, but is not yet eligible to retire, shall lose his life in the performance of duty, or shall die from heart trouble or pneumonia or any other sickness incurred in the course of duty as a policeman or fireman, or shall die as a direct result of any injury received during the performance of his duty, or shall die from sickness contracted by reason of the performance of his duty, then upon satisfactory proof of such fact or facts, said Board of Trustees shall order paid an amount equal to one-third of his annual salary at the time of his death to his widow until she remarries, but in no case shall such pension exceed the sum of seventy-five dollars (\$75.00) per month. If there be no widow, said Board of Trustees shall order paid to each child under the age of eighteen years, if unmarried, the sum of twenty dollars (\$20.00) per month, but in no case shall such payments exceed the sum of seventy-five dollars (\$75.00) per month for one family. If there be no widow or children, said Board of Trustees shall order paid one-third of his annual salary, not to exceed fifty dollars (\$50.00) per month, to his surviving mother or father, if any, if either of them was dependent upon him at the time of his death, and if there be no surviving mother or father, then in equal shares to any sisters or brothers under the age of eighteen years and unmarried who were dependent upon him at the time of his death, so long as said sisters or brothers are under the age of eighteen years and unmarried.

Section 163. PAYMENTS FOR DISABILITY. Whenever any member entitled to the benefits of this system shall become physically or mentally disabled by reason of bodily injuries received in or by reason of sickness caused by the discharge of duty or as a result thereof to such an extent as to render necessary his retirement from active service, said Board of Trustees, upon determining such necessity for retirement, shall retire such member or employee and cause to be paid to him a pension equal to one-half of the salary attached to the rank held by him for one year or more previous to the time the disability was incurred; and said pension shall increase and decrease in proportion to the salary attached to said rank; provided that such pension shall at no time exceed the sum of two

4-15-1947

hundred dollars (\$200.00). If such disability shall cease he shall, upon the recommendation of the Chief of the Department, be restored to such active duty as he is able to perform, with the rank or rating and salary he held at the time of his retirement, and such pension shall terminate. In the event of the death of such pensioner, the pension shall be paid to his dependents in accordance with the provisions of Section 162. Any pension or relief payment provided for herein shall cease immediately upon the death of the person receiving the same. Any payment made hereunder to dependents of a member shall cease upon the death or marriage of such dependents or upon the attainment of the age of eighteen years by such dependent other than the widow or father or mother.

Section 164. FIFTEEN YEARS' SERVICE. No member of this System eligible to receive benefits hereunder shall be removed from City service so as to deny him the benefits of this System provided that he has served the City in either department for fifteen (15) years in the aggregate; provided, however, that such member may be removed from either department for habitual drunkenness, conviction of a felony or gross insubordination.

Section 165. PENSIONERS SUBJECT TO RE-EXAMINATION. Any person retired for disability under this Article may be summoned before the Board of Trustees herein provided for at any time and shall submit himself to examination as to fitness for duty and abide by the decision of and the order of said Board with reference thereto; and all members of the Police and Fire Departments who shall be retired under the provisions of this Article, or, in case of their death, their beneficiaries, shall report to the Board of Trustees, either in person or in writing, on the third Monday in January, April, July and October of each year, and in case of great public emergency the retired members who have been retired for disability may be assigned to and perform such duty as the Chief of such department shall direct, save and except that no pensioner of the Police Department and no pensioner of the Fire Department shall be compelled to work in any other department than the department from which he was retired.

Section 166. CERTIFICATES OF DISABILITY. No person shall be retired for disability under the provisions of this Article, or receive any benefit therefrom, unless there shall be filed with the Board of Trustees certificates of disability which shall be verified by physicians regularly employed by the Department from which such person was retired and two other regularly licensed physicians of the City of San Diego, and the person whose retirement is contemplated shall have the right to select one of such

4-15-1947

physicians if he chooses to do so. Said Board may require other evidence of disability before ordering such retirement, but, upon satisfactory evidence of such disability, the Board must retire such person.

Section 167. POWER OF BOARD TO DETERMINE PENSIONS. Whenever any person who shall be retired under this Article for disability shall wilfully fail to report himself as required in this Article after having received written notice of such failure to report, or who, after reporting, shall wilfully disobey any order of the Board of Trustees under this Article, said Board of Trustees shall have the power to order that the pension allowance of such person shall immediately cease and, from and after the date of such order, such person shall receive no further benefit, allowance or pension under this Article, unless and until the Board of Trustees shall reinstate him.

Section 168. FORMER PENSIONERS ENTITLED TO BENEFITS OF THIS SYSTEM. All persons who are entitled to receive pensions under the provisions of the Charter of The City of San Diego who at the date of the taking effect of this System were receiving pensions pursuant to Article X and Article XI from The City of San Diego, as said Articles existed prior to the adoption of this System, shall be paid from the Police and Fire Retirement System Fund.

Section 169. RETURN OF CONTRIBUTIONS. In the event of the death of any person eligible to the benefits of this System for causes not covered by Section 162 prior to the date that such member would have been entitled to retire and receive a pension under this System, or in the event of a separation of such member from either Department for any reason whatsoever, such member, or his estate, as the case may be, shall be entitled to receive the full amount deducted from the pay of such member and paid into the Police and Fire Retirement System Fund, without interest; provided that this provision shall not be construed to be retroactive, but shall be construed to apply only to persons who are in the actual service of either the Police or Fire Department at the time this amendment becomes effective. In the event no records exist from which it may be determined what amount was contributed by a member, the Board of Trustees shall determine what contributions were made by said member and said determination by said Board of Trustees shall be final.

Section 170. TERMINATION OF SYSTEM. When there are fewer than twenty (20) men in either the Police or the Fire Department who are eligible to receive the benefits of this System, the administration and control of the Police and Fire Retirement System shall be transferred to the

4-15-1947

City Employees' Retirement Board of Administration, and upon the happening of said event, said Board of Administration shall be and become vested with all of the powers and duties reposed by this Article in the Board of Trustees of the Police and Fire Retirement System; and the Police and Fire Retirement System shall cease and determine when the last obligation of the said System has been met or paid, and at said time any moneys remaining in said Police and Fire Retirement System Fund shall be transferred to the General Fund of The City of San Diego to be used for general municipal purposes.

Section 171. POLICEMEN AND FIREMEN TO BECOME MEMBERS OF CITY EMPLOYEES' RETIREMENT SYSTEM. All members of the Police Department and Fire Department who were employed after June 30, 1946, and are, therefore, ineligible to receive benefits under this System, shall be entitled to all of the benefits of the City Employees' Retirement System heretofore established and now existing under Article IX of this Charter, and each such person shall, from the date of his employment, be a member of such City Employees' Retirement System.

Section 172. TRANSFER OF FUNDS TO CITY EMPLOYEES' RETIREMENT SYSTEM. The Board of Trustees of the Police and Fire Retirement System shall, upon the effective date of this System, pay to the City Employees' Retirement Fund all contributions made by members of either Department who are not eligible to the benefits of this System since June 30, 1946, together with all contributions made by the City Council for the purpose of matching said members' contributions to said funds or either of them.

Section 173. POLICEMEN AND FIREMEN ENTERING SERVICE SUBSEQUENT TO EFFECTIVE DATE OF THIS ARTICLE. All persons who enter the service of the Police or Fire Departments of The City of San Diego subsequent to the effective date of this Article, shall be and become members of the City Employees' Retirement System, subject to all of the provisions of Article IX of this Charter, and said employees shall be subject to all of the rules and regulations of the City Employees' Retirement System."

REPEAL Article XI of the Charter of The City of San Diego.

4-15-1947

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

<p>PROPOSITION NO. 1. Amend Article X and Repeal Article XI of the Charter of The City of San Diego.</p> <p>This proposition creates a new consolidated Police and Fire Retirement System for those members of the Police and Fire Departments who were in the employ of The City of San Diego on June 30, 1946, to be operated by a Board of Trustees with the advice and assistance of actuaries to be employed for that purpose to the extent that the system will be actuarially solvent in 30 years, under rules and regulations which allow optional payments to retiring or disabled policemen and firemen eligible under the system, thus consolidating the present Police Relief and Pension Fund and the Firemen's Relief and Pension Fund; and further provides for the eventual termination of the system; and further provides that all policemen and firemen employed after June 30, 1946, shall be and become members of the City Employees' Retirement System.</p>	<p>YES</p>	
	<p>NO</p>	

PROPOSITION NO. 2

Amend Section 42 of the Charter of The City of San Diego, so as to read as follows:

"Section 42. CITY PLANNING COMMISSION. The City Planning Commission shall be organized as provided by the laws of the State and have such powers and perform such duties as are prescribed by such laws. Their duties shall also include advising upon public buildings, bridges, retaining walls, approaches, park and harbor structures, the improvement of Pueblo lands and such other improvements as the Council may by ordinance determine. The Manager shall appoint four members, [one of whom shall be an architect of at least ten years' experience,] and the Council shall elect three members. [including one of their own

4-15-1947

members]. The City Engineer, and the City Attorney, or their designated representatives, shall be members ex-officio, but neither of said officers shall have a vote. The members of this Commission shall serve without compensation for terms of [four] two years or until their successors are elected and appointed and qualified; provided, however, that the members of this Commission heretofore appointed and who were members thereof on the date of the approval of this amendment, shall hold office until their current terms expire."

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

PROPOSITION NO. 2. Amend Section 42 of the Charter of The City of San Diego. This amendment reduces the term of office of the members of the Planning Commission of The City of San Diego to two years, or until their successors are elected and appointed and qualified; eliminates the requirement that one member of the Planning Commission shall be an architect, and that one member shall be a member of the Council; and provides that the City Engineer and City Attorney, or their designated representatives, shall be members ex-officio of said Planning Commission, but that neither of said officers shall have the right to vote.	YES	
	NO	

PROPOSITION NO. 3

Amend Section 40 of the Charter of The City of San Diego, so as to read as follows:

"Section 40. CITY ATTORNEY. A City Attorney shall be elected by the people for a term of four years. The City Attorney shall be the chief legal adviser of, and attorney for the City and all Departments and offices thereof in matters relating to their official powers and duties. The Attorney and his deputies shall devote their full time to the duties of the office and shall not engage in private legal practice during the term for which they are employed by the City, except to carry to a conclusion any matters for which they have been retained prior to taking office.

4-15-1947

The City Attorney shall appoint such deputies, assistants, and employees to serve him, as may be provided by ordinance of the Council, but all appointments of subordinates other than deputies and assistants shall be subject to the Civil Service provisions of this Charter.

It shall be his duty, either personally or by such assistants as he may designate, to perform all services incident to the legal department; to give advice in writing when so requested, to the Council, its Committees, the Manager, the Commissions, or Directors of any Department, but all such advice shall be in writing with the citation of authorities in support of the conclusions expressed in said written opinions; to prosecute or defend, as the case may be, all suits or cases to which the City may be a party; to prosecute for all offenses against the ordinances of the City and for such offenses against the laws of the State as may be required of him by law; to prepare in writing all ordinances, resolutions, contracts, bonds, or other instruments in which the City is concerned, and to endorse on each his approval of the form or correctness thereof; to preserve in his office a docket of all cases in which the City is interested in any of the courts and keep a record of all proceedings of said cases; to preserve in his office copies of all written opinions furnished by him to the Council, Manager, Commission, or any officer. Such docket, copies and papers shall be the property of the City, and the City Attorney shall, on retiring from office, deliver the same, together with all books, accounts, vouchers, and necessary information, to his successor in office.

He shall have charge and custody of all legal papers, books, and dockets belonging to the City pertaining to his office, and, upon a receipt therefor, may demand and receive from any officer of the City any book, paper, documents, or evidence necessary to be used in any suit, or required for the purpose of his office.

He shall apply, upon order of the Council, in the name of the City, to a court of competent jurisdiction for an order or injunction to restrain the misapplication of funds of the City or the abuse of corporate powers, or the execution or performance of any contract made in behalf of the City which may be in contravention of the law or ordinances governing it, or which was procured by fraud or corruption. He shall apply, upon order of the Council, to a court of competent jurisdiction for a writ of mandamus to compel the performance of duties of any officer or commission which fails to perform any duty expressly enjoined by law or ordinance.

The City Attorney shall perform such other duties of a legal nature as the Council may by ordinance require or as are provided by the Constitution and general laws of the State.

4-15-1947

The Council shall have authority to employ additional competent technical legal attorneys to investigate or prosecute matters connected with the Departments of the City when such assistance or advice is necessary in connection therewith. The Council shall provide sufficient funds in the annual appropriation ordinance for such purposes and shall charge such additional legal service against the appropriation of the respective Departments.

[The City Attorney shall receive a salary of \$6,500.00 per year, payable monthly.]

The salary of the City Attorney shall be fixed by the Council and set forth in the annual appropriation ordinance, but in no event shall said salary be less than \$6,500.00 per year, payable semi-monthly.

In the event of a vacancy occurring in the office of the City Attorney by reason of any cause, the Council shall have authority to fill such vacancy, which said authority shall be exercised within thirty (30) days after the vacancy occurs. Any person appointed to fill such vacancy shall hold office until the next regular municipal election, at which time a person shall be elected to serve for a full term of four years. Said appointee shall remain in office until his successor is elected and qualified."

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

PROPOSITION NO. 3. Amend Section 40 of the Charter of The City of San Diego. This amendment provides that the salary of the City Attorney shall be fixed by the City Council, but that in no event shall said salary be less than \$6,500.00 per year, payable semi-monthly.	YES	
	NO	