

ORDINANCE NUMBER O- 21143 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 04 2019

AN ORDINANCE OF THE CITY OF SAN DIEGO SUBMITTING ONE CITIZENS' INITIATIVE MEASURE TITLED "FOR A BETTER SAN DIEGO" TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO, AT THE MUNICIPAL SPECIAL ELECTION TO BE HELD ON MARCH 3, 2020.

WHEREAS, on July 9, 2018, an initiative petition titled "For A Better San Diego" (the initiative petition) was filed with the City Clerk on behalf of the initiative petition's proponents; and

WHEREAS, the initiative petition asks voters to approve an increase to the Transient Occupancy Tax (TOT) paid by visitors to the operators of hotels, campgrounds, and other sites in the City of San Diego (City), with revenues raised by the additional TOT reserved for San Diego Convention Center purposes, including expansion and modernization; programs and services to reduce homelessness in the City; and street repairs, improvements, and maintenance in the City; and

WHEREAS, the initiative petition also includes provisions regarding the City's issuance of related bonds; and

WHEREAS, upon completion of a prima facie review, the City Clerk accepted the initiative petition as filed, in compliance with San Diego Municipal Code (Municipal Code) section 27.1021; and

WHEREAS, the City Clerk submitted the initiative petition to the San Diego County Registrar of Voters (Registrar of Voters) for signature verification; and

WHEREAS, on August 8, 2018, the Registrar of Voters completed its verification of three percent of the signatures selected at random from the petition in accordance with Municipal Code section 27.1022, and certified that the sample showed the projected number of valid signatures fell between 95 percent and 110 percent of the number of signatures needed to declare the petition sufficient; and

WHEREAS, as a result of the random sample, the Registrar of Voters, following California Elections Code section 9115, then conducted a signature-by-signature examination and verification of the petition signatures; and

WHEREAS, on September 20, 2018, the Registrar of Voters certified that the initiative petition contained the valid signatures of ten percent of the City's registered voters at the last general election, sufficient under Charter section 23 to qualify the initiative for direct submission to the voters; and

WHEREAS, on September 20, 2018, the City Clerk certified that the signatures on the initiative petition were sufficient to qualify the initiative for consideration for adoption or submittal to the voters; and

WHEREAS, on September 25, 2018, in compliance with Municipal Code section 27.1027, the City Clerk presented the initiative petition, with its certification attached, to the City Council (Council); and

WHEREAS, in compliance with Municipal Code section 27.1034, if an initiative petition presented to the Council contains the signatures of ten percent or more of the voters, the Council shall, within ten business days of the date of presentation, adopt or reject the legislative act as presented, but may not amend it; and

WHEREAS, in compliance with Municipal Code sections 27.1034 and 27.1035, the Council shall consider a certified initiative petition and either (1) grant the initiative petition and adopt its provisions in full; or (2) adopt a resolution of intention to submit the matter to the voters at a special election, and direct the City Attorney to prepare an ordinance calling a special election to place the matter on the ballot; and

WHEREAS, the initiative petition that is the subject of this ordinance seeks to increase the City's Transient Occupancy Tax, and the Council does not have legal authority under the California Constitution to increase a tax on its own vote; thus, the Council could not grant the initiative petition and adopt its provisions in full; and

WHEREAS, initiative measures that seek to increase a tax must be submitted to the voters for approval; and

WHEREAS, Charter section 23 directs that initiated legislative acts that qualify for the ballot "shall be submitted to the electorate at a Municipal Special Election consolidated with the next City-wide Municipal General Election ballot on which the measures legally can be placed, or at a City-wide Municipal Special Election held prior to that general election"; and

WHEREAS, on October 8, 2018, the Council adopted San Diego Resolution No. R-311981, declaring its intention to submit the initiative petition for the measure titled "For A Better San Diego Initiative" to the City's voters at a citywide election; and

WHEREAS, the resolution directed the City Attorney to prepare an ordinance placing the initiative measure on the ballot at a Municipal Special Election consolidated with the next citywide Municipal General Election ballot in November 2020, unless the Council decided to place the initiative measure on the ballot of a citywide Municipal Special Election to be held prior to that general election; and

WHEREAS, on April 15, 2019, the Council adopted San Diego Resolution No. R-312349, superseding San Diego Resolution No. R-311981, and declaring its intention to submit the "For A Better San Diego Initiative" to the City's voters at the Municipal Special Election to be held on March 3, 2020; and

WHEREAS, on October 1, 2019, the Council adopted San Diego Ordinance No. O-21139, calling a Municipal Special Election in the City for Tuesday, March 3, 2020, to submit one or more ballot measures to the City's qualified voters, and the Council now desires to submit the "For A Better San Diego Initiative" measure to the City's qualified voters on that ballot; and

WHEREAS, the initiative measure seeks to increase the Transient Occupancy Tax, which is a special tax, and thus the initiative measure requires approval by a two-thirds majority of the local electorate to be adopted by the voters; and

WHEREAS, pursuant to Charter section 295(b), the Council's adoption of an ordinance to submit a citizens' initiative measure to City voters at a Municipal Special Election is not

subject to veto by the Mayor, and thus the date of the ordinance's passage by the Council shall be deemed the date of its final passage; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, that:

Section 1. One citizens' initiative measure titled "For A Better San Diego" is submitted to the qualified voters of the City of San Diego at the Municipal Special Election to be held on March 3, 2020, with the measure to read as follows:

MEASURE

The complete text of the initiative measure is attached to this Ordinance as Exhibit A, and incorporated by reference here, and will be submitted to the San Diego County Registrar of Voters in a separate document.

END OF MEASURE

Section 2. The measure shall be presented and printed upon the ballot and submitted to the voters in the manner and form to be determined by the Council by resolution, in compliance with the San Diego Municipal Code.

Section 3. On the ballot to be used at this Municipal Special Election, in addition to any other matters required by law, there shall be printed substantially the following:

MEASURE ____ . INITIATIVE MEASURE - HOTEL VISITOR TAX INCREASE FOR CONVENTION CENTER EXPANSION, HOMELESSNESS PROGRAMS, STREET REPAIRS. Shall the measure be adopted to: increase the City of San Diego's 10.5% hotel visitor tax by 1.25 to 3.25 percentage points, depending on hotel location, through at least 2061, designated to fund convention center expansion, modernization, promotion and operations, homelessness services and programs, and street repairs; and authorize related bonds; with a citizens' oversight committee and audits by the independent City Auditor?	YES	
	NO	

Section 4. An appropriate mark placed in the voting square after the word "Yes" shall be counted in favor of the adoption of this measure. An appropriate mark placed in the voting square after the word "No" shall be counted against the adoption of the measure.

Section 5. Passage of this measure requires the affirmative vote of two-thirds of those qualified electors voting on the matter at the Municipal Special Election.

Section 6. The City Clerk shall cause this ordinance or a digest of this ordinance to be published once in the official newspaper following this ordinance's adoption by the Council.

Section 7. Pursuant to San Diego Municipal Code section 27.0402, this measure will be available for public examination for no fewer than ten calendar days prior to being submitted to the San Diego County Registrar of Voters under the deadline for publication of ballot materials. During the examination period, any voter registered in the City may seek a writ of mandate or an injunction requiring any or all of the measure to be amended or deleted. The examination period will end on the day that is 75 days prior to the date set for the election. The Clerk shall post notice of the specific dates that the examination period will run.

Section 8. A full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the Council and the public prior to the day of its passage.

Section 9. This ordinance placing a qualified initiative measure on the ballot is a ministerial act within the Council's purview and related to elections, and thus not subject to mayoral veto under Charter section 280(a)(1); as such, it may be passed by the Council on the date of introduction pursuant to Charter sections 275(c), 295(b), and 295(d).

APPROVED: MARA W. ELLIOTT, City Attorney

By Kevin Reisch
Kevin Reisch
Senior Chief Deputy City Attorney

SBS:KJR:jdf
09/11/19
10/24/19 REV.
Or.Dept: Mayor
Document No.: 2043393_2

Passed by the Council of The City of San Diego on NOV 04 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 04 2019

AUTHENTICATED BY:

(Seal)

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *[Signature]*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on NOV 04 2019, said ordinance being of the kind and character authorized for passage on its introduction by Section 275 of the Charter.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *[Signature]*, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 21143

Passed by the Council of The City of San Diego on November 4, 2019, by the following vote:

YEAS: CAMPBELL, KERSEY, CATE, SHERMAN, GOMEZ.

NAYS: BRY, WARD, MONTGOMERY, MORENO.

NOT PRESENT: NONE.

RECUSED: NONE.

AUTHENTICATED BY:

KEVIN L. FAULCONER

Mayor of The City of San Diego, California

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(Seal)

By: Matthew R. Hilario, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true, and correct copy of ORDINANCE NO. O-21143 (New Series) of The City of San Diego, California.

I FURTHER CERTIFY that said ordinance was passed on the day of its introduction, to wit, on November 4, 2019, said ordinance being of the kind and character authorized for passage on its introduction by Section 275 of the Charter.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(SEAL)

By:  _____, Deputy