

General Municipal Election

City of San Diego

April 22, 1941

4-22-1941

0-2061

<p>PROPOSITION I. Amend Sections 8, 9 and 10, Article II, of the Charter of The City of San Diego.</p>	
<p>(a) Section 8. This amendment requires the City Council within 90 days after the ratification of this amendment by the State Legislature to adopt an election code ordinance providing an adequate and complete procedure to govern municipal elections, including the nomination of candidates for all elective offices, and requires all elections provided for by the Charter to be conducted in the manner prescribed by said election code ordinance.</p>	<p>YES</p>
<p>(b) Section 9. This amendment requires nominations of candidates for all elective offices to be made in the manner prescribed by the election code ordinance provided for in the amendment to Section 8 of the Charter.</p>	<p>13/100</p>
<p>(c) Section 10. This amendment provides that the regular municipal Primary Election shall be held on the second Tuesday in March in each odd-numbered year and the general Municipal Election on the third Tuesday in April of the same year; provides that there shall be chosen by the electors of each Council District two candidates for the office of any councilman from a district whose term expires the succeeding May; provides for the election at the Primary Election of the candidate to any office for which only one person is elected who shall receive a majority of the votes cast for all candidates for nomination to such office; also provides that in case of candidates for the office of Member of the Board of Education the candidates therefor equal to or less than the number of such offices for which nominations are made, who receive the votes of more than one-half of the qualified voters voting at said election shall be deemed elected; provides that at the general municipal election the electors of the whole city shall select from among the candidates chosen at the Primary Election in each district one candidate for the office of the Councilman whose term expires the succeeding May; and provides the manner in which the canvass of election returns shall be made, and empowers the City Council to delegate the duty of canvassing such returns to the City Clerk.</p>	<p>52.18%</p> <p>NO</p> <p>12/006</p> <p>47.82%</p>

25,106

4-22-1941

PROPOSITION II. Amend Section 12, Article III, of the Charter of The City of San Diego. This amendment fixes the compensation of each Councilman at the sum of \$1200.00 per year, payable in semi-monthly installments, instead of the present compensation of \$10.00 per meeting fixed by People's Ordinance No. 379 (New Series), effective December 26, 1933.	YES	12,974	47.98%
	NO	14,068	52.02%

27,042

4-22-1941

PROPOSITION III. Amend Section 17, Article III, of the Charter of The City of San Diego. This amendment permits ordinances calling or relating to elections to take effect at the time indicated therein.	YES	14,600	67.15%
	NO	1,143	32.85%

21,743

00253

4-22-1941

<p>PROPOSITION IV. Amend Section 23, Article III, of the Charter of The City of San Diego. This amendment preserves to the people of the City the right to initiate ordinances, exercise the referendum upon ordinances passed by the Council, and to recall elective municipal officers; requires that there shall be included in the election code ordinance a complete procedure for the exercise of said rights, including forms of petitions; fixes the number of signatures necessary on petitions for the initiation of an ordinance, the referendum on an ordinance, and the recall of an elective officer at the following percentages of the registered voters of the City at the last general city election: Initiation of an ordinance for the consideration of the Council, 3%; for the direct submission of an ordinance to the people, 10%; for the referendum of an ordinance passed by the Council, 5%; and for the recall of an elected officer, 15%.</p>	YES	53.19%	11,327
	NO	46.81%	11,327

24,200

XERO COPY

XERO COPY

XERO COPY

XERO COPY

4-22-1941

<p>PROPOSITION V. Amend Section 53, Article V, of the Charter of The City of San Diego. This amendment creates the Division of Accounts in the Water Department, empowers the City Manager to appoint a qualified accountant to have charge of the Division of Accounts and of such subordinate officers and employees in said Division as shall be authorized by Ordinance. This Division shall have charge of all accounts and records required to be kept and maintained by Section 109 of the Charter with respect to the Water Department; requires the Council to provide an adequate sum in the Annual Appropriation ordinance for the proper maintenance of the Department, and to levy annually a tax sufficient to provide for the redemption of municipal bonds heretofore or hereafter issued for water purposes, together with the interest thereon, and that the amount of money so raised each year shall be charged annually against the Water Department on the accounts of the City; provides that all revenues from the Water Department, except such as have been heretofore appropriated by contract to some specific purpose, in excess of the amount necessary for the maintenance and operation of such Water Department, shall be transferred monthly to the general fund of the City and made available thereafter for use for any legal city purposes, and that said surplus fund so transferred shall be credited on the accounts of the City as a reimbursement credit for the moneys paid by the City each year for the redemption of water bonds and payment of interest thereon; and empowers the Manager to appoint an Advisory Commission of three citizens to advise the City Manager and Council on plans for future water development.</p>	YES	15,703
	NO	8,296

66.81%

33.19%

25,000

4-22-1941

PROPOSITION VI. Amend Section 54, Article V, of the Charter of the City of San Diego. This amendment amends subdivision (f) of Section 54, by extending the annual appropriation of \$150,000.00 for the development of the harbor until the fiscal year 1948-49.	YES	16512
	NO	7169

69.8%

30.2%

23,741

00256

4. 22 - 1941

PROPOSITION VII. Amend Section 55, Article V, of the Charter of The City of San Diego. This amendment adds to Subdivision (a) of Section 55 a provision empowering the City Council, when deemed to be for the best interests of the City, to authorize the City Manager to enter into leases or contracts or let concessions upon terms prescribed by the Council, for the use and operation of the City Stadium in Balboa Park, and for the use and operation of city-owned equipment and facilities of an amusement character located in the city parks, together with buildings and space therein necessary and convenient for the operation of the same.	YES	17,529
	NO	17,567

69.85%

30.15%

25,096

4-22-1941

PROPOSITION VIII. Amend Section 77, Article VII, of the Charter of The City of San Diego. This amendment clarifies the meaning of the section which relates to a special tax levy of not more than five cents on each one hundred dollars of the assessed valuation during any fiscal year for the acquisition and construction of permanent improvements, real property, public buildings and public offices, by changing the present ambiguous wording of the section.	YES	15,743	64.16%
	NO	5,164	35.84%

23,759

4-22-1941

PROPOSITION IX. Amend Section 77a, Article VII, of the Charter of The City of San Diego. This amendment adds a new paragraph to the present section, and empowers the Council to enter into a contract, upon such terms and conditions as the Council may prescribe, for the maintenance in Balboa Park of zoological exhibits, with any organization formed primarily for the purpose of maintaining zoological gardens and zoological exhibits and conducting general zoological work.	YES	$\frac{17}{24}$ $\frac{17}{24}$	70.68%
	NO	$\frac{7}{24}$ $\frac{7}{24}$	29.32%

24,505

4. 22 - 1941

PROPOSITION X. Amend Section 86, Article VII, of the Charter of The City of San Diego. This amendment adds to Section 86, requiring all city officials and employees who collect money belonging to the City to deposit the same daily with the City Treasurer, a proviso that in case of employees located in distant parts of the city or county so collecting money, which collections cannot be deposited daily without difficulty and undue cost, such collections may be deposited in the City Treasury within one week after their receipt.	YES	18,914	78.33%
	NO	6,234	21.67%

24,148

4-22-1941

PROPOSITION XI. Amend Section 95, Article VII, of the Charter of The City of San Diego. This amendment provides that in competitive bidding for the supplying of materials and equipment or furnishing services to the City, the authority authorized to award the contract may award it to other than the lowest responsible bidder when such higher bidder specifies in his bid that the articles, products or materials are to be wholly or in part manufactured, made or produced in industries established in The City of San Diego or in the County of San Diego, or that the same are regularly stocked, handled and sold by business establishments located in The City of San Diego or in the County of San Diego, provided that the bid of such higher bidder does not in amount or price exceed by five per cent (5%) that of the lowest responsible bidder for the contract.	YES	13,837	56.08%
	NO	10,054	43.92%

22,891

4-22-1941

PROPOSITION XII. Amend Section 99, Article VII, of the Charter of The City of San Diego. This amendment provides that a contract or obligation involving the payment of moneys out of the appropriations of more than one year, except bonded indebtedness, shall first be published in the official newspaper of the City at least two weeks before final action of the Council thereon, and requires the approval of not less than five members of the Council; and that if the contract is to be for more than five years it must also first be submitted to the electors of the City at a regular or special election and be approved by a two-thirds majority of those voting thereon.	YES	15,474
	NO	9,534

70,317

29,697

22,008

4-22-1941

<p>PROPOSITION XIII. Amend Sections 103, 104 and 105, Article VII, of the Charter of The City of San Diego.</p>		13/31	59.55%
<p>(a) Section 103. This amendment empowers the Council to grant franchises and all renewals, extensions and amendments thereof for the use of public property under the jurisdiction of the City, upon such terms and conditions as are set forth in the ordinances of grant, which ordinance may only be adopted by a vote of five members of the Council and after recommendations thereon by the City Manager, and an opportunity for free and open competition and public hearings have been given; prohibits an ordinance granting a franchise, or a renewal, extension or amendment of an existing franchise from taking effect until thirty days after its passage, during which time it shall be subject to the referendum provisions of the Charter; prohibits transfer of a franchise without the approval of the Council expressed by ordinance.</p>		8,920	40.45%
<p>(b) Section 104. This amendment empowers the City by ordinance to terminate any franchise whenever the City shall determine to acquire by condemnation or otherwise the property of any utility necessary for the welfare of the City, in lieu of the provision in the existing section which limits the exercise of this right to specified intervals of not more than ten years after the beginning of operation.</p> <p>(c) Section 105. The existing section relates to the rights and powers of the City to regulate franchises granted by it. The amendment gives the City the additional right to provide that the percentage of gross annual receipts derived from the franchise privilege shall be paid to the Treasurer in such amounts and at such times as shall be determined in the ordinance granting the franchise.</p>		22,051	

4. 22 - 1941

PROPOSITION XIV. Amend Section 109, Article VII, of the Charter of The City of San Diego. This amendment provides the manner of keeping the accounts of municipally owned utilities, which is in accordance with the uniform classification of accounts prescribed by the Railroad Commission of the State of California for such class of privately owned public utilities in so far as the same may be applicable to the accounts of municipally owned utilities. It requires that the accounts show, as nearly as possible, the cost of any service furnished or rendered by any such utility by or to any other department of the City; an estimate of the amount of ad valorem taxes, whether paid or not, that would be chargeable against the property if privately owned; the sinking fund or redemption requirements for all bonds hitherto or hereafter issued; the proper allowance for depreciation for all property used in rendering public utility service, and that such depreciation shall be taken account of in fixing the charges made for the service; authorizes the Council to cause to be made for public distribution reports showing the financial results of such City ownership and operation, or such other information as the Council shall deem expedient.

YES	16,578
NO	6,251

72,629.

27,389.

22,829

4-22-1941

PROPOSITION XV. Amend Section 112, Article VII, of the Charter of The City of San Diego. This amendment requires the Auditor and Comptroller to show in his records the cost or value of all city-owned property of any kind, and to show proper depreciation of all property of any kind which is used by the City for utility purposes, and to furnish a proper balance sheet under classified heads to the Manager for inclusion in the annual budget and for publication in the annual report of the City Auditor and Comptroller.	YES	18,676
	NO	799

79.56

20.44%

23,475

4. 22 - 1941

<p>PROPOSITION XVI. Amend Section 118, Article VIII, of the Charter of The City of San Diego. The existing section relates to the purposes for which the Civil Service Commission is required to adopt rules and regulations in the government of the Classified Service of the City. The amendment consists in adding to the section a new subdivision (s) empowering the appointing authority to lay off or suspend an employee or employees because of lack of funds, lack of work, or where there has been an insufficient appropriation to meet the salary requirements necessary to maintain existing personnel in any office, department, division or bureau of the City; and provides that any such lay-off or suspension shall be made in conformity with the rules and regulations of the Civil Service Commission governing the order in which employees shall be laid off or suspended.</p>	YES	14,664
	NO	8,215

64.09%

35.91%

22,879

4-22-1941

PROPOSITION XVII. Amend Section 130, Article VIII, of the Charter of The City of San Diego. This amendment requires the Council by ordinance, prior to the beginning of each fiscal year, to establish a schedule of compensation for officers and employees in the Classified Service, which shall provide uniform compensation for like service; imposes upon the Civil Service Commission the duty of preparing and furnishing to the Council prior to the adoption of such ordinance a schedule of compensation recommending a minimum and maximum for any grade; and provides that the Council may adopt such schedule as presented or make such changes therein as it may deem necessary and proper.

YES	13,915
NO	6,511

60.28%

39.72%

21,426

00267

4-22-1941

<p>PROPOSITION XVIII. Repeal Section 161, Article X, of the Charter of The City of San Diego. Amend Section 162, Article X, of the Charter of The City of San Diego.</p> <p>(a) Section 161. This section, as it now exists, provides that all pensioners in the San Diego Police Department shall have their pensions increased or decreased to meet the prevailing scale of salaries in the Police Department from time to time.</p> <p>(b) Section 162. This section relates to retirement for service in the Police Department. The amendment consists in providing that the amount of the pension shall be fixed at the time of retirement, which amount shall be equal to one-half the amount of the average yearly salary of the retiring person for the five years immediately preceding the date of his retirement, payable to him in monthly installments. It also adds a new proviso that members of the Police Department who enter the service of the department subsequent to the date of the ratification of this amendment by the State Legislature shall not be so retired before they reach the age of fifty years and before twenty-five years of service in the aggregate.</p>	YES	119 61	52.25
	NO	85 11	47.75%

24, 142

4. 22-1941

<p>PROPOSITION XIX. Repeal Section 183, Article XI, of the Charter of The City of San Diego.</p> <p>Amend Section 184, Article XI, of the Charter of The City of San Diego.</p> <p>(a) Section 183. This section, as it now stands, provides that all pensioners in the Fire Department of the City of San Diego shall have their pensions increased or decreased to meet the prevailing scale of salaries in the Fire Department from time to time.</p> <p>(b) Section 184. This section relates to retirement for service in the Fire Department. The amendment consists in providing that the amount of the pension shall be fixed at the time of retirement, which amount shall be equal to one-half the amount of the average yearly salary of the retiring person for the five years immediately preceding the date of his retirement, payable to him in monthly installments.</p>	YES	11,581
	NO	14,365

44.65%

55.35%

25,937

4-22-1941

PROPOSITION XX. Repeal Sections 202 to 210, inclusive, comprising all of Article XIII, of the Charter of The City of San Diego. Sections 202 to 210, inclusive, relate to the creation, maintenance and jurisdiction of a City Police Court. Upon the establishment in The City of San Diego of a Municipal Court system, which abolished such Police Court, these sections become inoperative and completely obsolete.	YES	15855
	NO	7186

68.81%

31.19%

23,036

4. 22 - 1941

PROPOSITION XXI. Amend Section 213, Article XIV, of the Charter of The City of San Diego. This amendment continues in force all ordinances adopted prior to the taking effect of the present City Charter which are not inconsistent with any of the provisions of said Charter; and provides that all contracts of the City in force at the time of the adoption of said Charter and not inconsistent with any of its provisions shall continue in force until completed, amended or rescinded.	YES	2991
	NO	1689

62.22%

37.78%

20,351

This ballot measure put on by Initiative.

4-22-1941

PROPOSITION XXII. Amend Article V of the Charter of The City of San Diego, by adding two new sections thereto, to be numbered Sections 58a and 58b (proposed by initiative petition), which said sections read as follows:

"Section 58a. Anything in this Charter to the contrary notwithstanding, the members of the San Diego Fire Department of either A or B Platoons shall not be required to work more than seven of their respective platoon shifts without receiving their next working shifts off duty, and shall not receive less than Twenty-Five of their respective working shifts off duty per calendar year, and they shall not receive less than Fifty-Two of their respective working shifts off duty in two calendar years. Each member of A and B platoons shall receive as his annual vacation seven of his consecutive working shifts and such annual vacation shall be exclusive of his regular work shifts off duty, as hereinabove provided. Nothing herein contained, however, shall be construed as preventing the Chief of the Fire Department, in cases of riot, serious conflagration, or other great public emergency, from having power to assign all of the members of the Department to continuous duty or to continue any member on duty if necessary."

"Section 58b. Anything in this Charter to the contrary notwithstanding, the members of the San Diego Fire Department shall receive monthly salaries of not less than the amounts hereinafter set forth, to be paid to each member in semi-monthly payments, to-wit:

Fireman, Fourth Class	\$170.00
Fireman, Third Class	180.00
Fireman, Second Class	190.00
Fireman, First Class	200.00
Engineer	215.00
Lieutenant	222.00
Captain	235.00
Battalion Chief	275.00
Assistant Chief	340.00
Chief	450.00"

YES

13,575

41.41%

NO

18,926

58.59%

32,301

4-22-1941

PROPOSITION XXIII. Shall The City of San Diego, through its Council, be empowered and authorized to recede and transfer to the State of California the following described tidelands situated in The City of San Diego, to-wit: All that portion of Block 11, Municipal Tidelands, Subdivision Tract No. 1, bounded on the north by the prolongation of the south line of Ash Street, on the east by Pacific Highway, on the south by A Street, and on the west by Belt Street; which said tidelands are to be used by the State of California for the purpose only and exclusively of constructing thereon a state office building costing not less than \$500,000.00, and other state buildings; the construction of said state office building to be commenced within five years from the date of such receding, and carried on continuously to completion?	YES	21,416
	NO	6,050

77,977.

22,037.

27,466

This land was not
deeded to State.

4. 22-1941

PROPOSITION XXIV. Shall the use as a public park of 21.32 acres, more or less, of the lands owned by The City of San Diego, known as Balboa Park, adjoining the northerly and easterly boundaries of the Naval Hospital, be discontinued, and upon the discontinuance of the use of said real property as a public park shall the same be conveyed to the United States Government for another public purpose, to-wit: For use by the United States Government in connection with and as a part of the Naval Hospital now being operated by said United States Government; said lands to be abandoned and discontinued in use as a public park, being more particularly described in Ordinance No. 2078 (New Series) of the ordinances of said City?	YES	24,276
	NO	5,856

77.98%

22.02%

0-2078

30,132

Result of Votes Cast

PRECINCT NO. TOTAL BALLOTS VOTED

SPECIAL MUNICIPAL BOND ELECTION April 22nd, 1941

SEWER SYSTEM EXTENSIONS

The board must, before it adjourns, make copies of the result of the votes cast at such polling place, which copies must be signed by the members of the board; one of such copies shall be posted conspicuously on the outside of the polling place, and one copy must be transmitted, in unsealed envelope to the City Clerk. It shall be a misdemeanor for any person to remove or deface such posted copy of the result, or to delay delivery of or change the copy to be delivered to the City Clerk. (See sections 7023-7107, Elections Code)

0-2063

Shall The City of San Diego incur a bonded indebtedness of \$1,983,000.00 for the acquisition, construction and completion of improvements, extensions and additions to the sanitary sewer system of The City of San Diego, as follows:

- (1) The purchase and installation of
 - (a) Trunk sewers from La Jolla Shores to Pacific Beach;
 - (b) Trunk sewers from Pacific Beach, through Moreno, to Old Town;
 - (c) Trunk sewers in Mission Valley from the State College District to Old Town, including trunk sewers in the district between Mission Valley and El Cajon Boulevard, and between La Mesa Colony and the easterly line of the Pueblo Lands of San Diego;
 - (d) A trunk sewer between Azure Vista, Mission Beach and Old Town;
 - (e) A trunk sewer in the 11th Street Canyon District, from University Avenue to J Street;
 - (f) A trunk sewer in the Switzer Canyon, from Upas Street to Powder House Canyon;
 - (g) A trunk sewer in the Powder House Canyon District, from University Avenue to Logan Avenue;
 - (h) A trunk sewer from Logan Avenue and Sigsbee Street to Colton Avenue and Beardsley Street;
 - (i) A trunk sewer from Encanto to the proposed treatment plant in the vicinity of Una Street and Kingwood Street, in said City;
 - (j) A trunk sewer from Valencia Park to the Encanto trunk sewer;
 - (k) A trunk sewer south of Valencia Park, from 65th Street to the Valencia Park trunk sewer;
 - (l) Trunk sewers in the district east of Wabash Avenue and south of El Cajon Avenue;
 - (m) Trunk sewers in Curlew Street and Reynard Way Canyons, from University Avenue to the Pacific Highway interceptor sewer.

YES

85.1%

30,802

NO

14.9%

5,393

00248

(2) In addition to the foregoing, the acquisition, construction and completion of pumping plants and appurtenances, and other necessary improvements, extensions and additions to the City's sanitary sewer system?

36,195

TOTAL VOTE CAST 36,968
 " VOIDS 774
 " REGISTRATION 96,825

PROPOSED CHARTER AMENDMENTS

The following proposed amendments to the Charter of the City of San Diego, California, will be submitted to the voters of the City of San Diego on Tuesday, April 22, 1941.

FRED W. SICK, City Clerk.

INTRODUCED BY SENATOR FLETCHER

May 5, 1941

WITHOUT REFERENCE TO COMMITTEE

Senate Concurrent Resolution No. 33—Approving certain amendments to the Charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the twenty-second day of April, 1941.

1 WHEREAS, Proceedings have been taken and had for the
2 proposal, adoption and ratification of certain amendments,
3 hereinafter set forth, to the charter of the City of San Diego,
4 a municipal corporation in the County of San Diego, State
5 of California, as set out in the certificate of the mayor and city
6 clerk of said the City of San Diego, as follows, to wit:

7
8 STATE OF CALIFORNIA, }
9 County of San Diego, } ss.
10 City of San Diego. }

11
12 We, the undersigned, Percy J. Benbough, Mayor of The
13 City of San Diego, and Fred W. Sick, City Clerk of said City,
14 do hereby certify and declare as follows:

15 The City of San Diego, a municipal corporation of the
16 County of San Diego, State of California, now, and at all
17 times herein mentioned, was a City containing a population of
18 more than one hundred thousand inhabitants, and has been
19 ever since the year 1931; and is now, organized and existing
20 under and pursuant to the provisions of a freeholders' charter
21 adopted in accordance with and by virtue of the provisions of
22 Section 8 of Article XI of the Constitution of the State of
23 California, which charter was duly ratified by the qualified
24 electors of said City at the general municipal election held in
25 said city on the 7th day of April, in the year 1931, in manner,
26 form and substance as required by law, and was thereafter

1 duly approved by joint resolution of the Legislature of the
2 State of California, adopted on the 15th day of April, 1931.

3 That pursuant to and in accordance with the provisions of
4 Section 8 of Article XI of the Constitution of the State of
5 California, the Council of The City of San Diego, being the
6 legislative body thereof, on its own motion, by resolution No.
7 73569, passed and adopted by said Council on the 4th day of
8 March, 1941, duly proposed to the qualified electors of The
9 City of San Diego, twenty-one certain amendments to the
10 charter of said City, designated as Propositions I, II, III, IV,
11 V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI,
12 XVII, XVIII, XIX, XX and XXI, respectively, and ordered
13 said twenty-one proposed charter amendments to be submitted
14 to said qualified electors at the regular municipal election to
15 be held in said City on the 22nd day of April, 1941.

16 That petitions signed by more than fifteen per cent of the
17 registered electors of The City of San Diego were filed with
18 the legislative body of The City of San Diego on the 8th day
19 of February, 1941, requesting the submission to the qualified
20 voters of said City of certain proposed amendments to the
21 Charter of The City of San Diego.

22 That the signatures on said petitions were verified by the
23 County Clerk and Registrar of Voters of the County of San
24 Diego, State of California, and found by him to be the signa-
25 tures of the qualified electors whose names appeared on the
26 registration records at the time of the signing of the said
27 petitions.

28 That pursuant to and in accordance with the provisions of
29 Section 8 of Article XI of the Constitution of the State of
30 California, the Council of The City of San Diego, being the
31 legislative body thereof, by resolution No. 73570, passed and
32 adopted by said Council on the 4th day of March, 1941,
33 ordered said proposed charter amendments, designated as
34 Proposition XXII, to be submitted to said qualified electors at
35 the regular municipal election to be held in said City on the
36 22nd day of April, 1941.

37 That all of said proposed charter amendments were pub-
38 lished and advertised in accordance with the provisions of
39 Section 8 of Article XI of the Constitution of the State of
40 California, on the 11th day of March, 1941, in The San Diego
41 Union, a daily newspaper of general circulation published in
42 said The City of San Diego, and the official newspaper of said
43 City, and in each edition thereof during the day of said pub-
44 lication.

45 That copies of said proposed charter amendments were
46 printed in convenient pamphlet form and in type of not less
47 than ten point, and an advertisement that copies thereof could
48 be had upon application therefor at the office of the City Clerk
49 of The City of San Diego was published in The San Diego
50 Union, a daily newspaper of general circulation published in
51 said City, and the official newspaper of said City, on the 17th
52 day of March, 1941, and on each day thereafter until the day

1 fixed for said election, all as required by Section 8 of Article
2 XI of the Constitution of the State of California.

3 That copies of said proposed charter amendments could be
4 had upon application therefor at the office of the City Clerk
5 of said City until the day fixed for said election. That copies
6 thereof were mailed to each of the qualified electors, as
7 required by law.

8 That said proposed amendments were submitted, pursuant
9 to the provisions of said resolutions numbered 73569 and
10 73570, to the qualified electors of said City at the regular
11 municipal election held in said City on the 22nd day of April,
12 1941, being not less than forty nor more than sixty days after
13 the completion of the advertisement of said amendments in
14 The San Diego Union, a daily newspaper of general circula-
15 tion published in said City, and the official newspaper of said
16 City.

17 The said Council did on the second day next succeeding the
18 date of said election then and there proceed to canvass the
19 returns of said election, and said canvass was continued from
20 day to day until all absent voter ballots were received and
21 canvassed, and did, by resolution No. 73995, passed and
22 adopted April 29, 1941, duly declare the result of said election
23 from the canvass of the returns thereof.

24 The said Council did by said resolution No. 73995 declare
25 that the proposed amendments to the Charter of The City of
26 San Diego, being Propositions I, III, IV, V, VI, VII, VIII,
27 IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, XX,
28 and XXI, were, and each of them was, ratified by a majority
29 of the qualified electors of said City voting thereon, and that
30 three proposed amendments, being Propositions II, XIX and
31 XXII, received less than a majority of the votes of the quali-
32 fied voters voting thereon, and were not ratified.

33 The said amendments to the Charter, so ratified by the
34 qualified electors of The City of San Diego, at said regular
35 municipal election, are in the words and figures as follows,
36 to-wit:

37 PROPOSITION I.

38 Amend Sections 8, 9 and 10, Article II, of the Charter of
39 The City of San Diego, so as to read as follows:

40 "Section 8. ELECTION CODE. Within ninety (90)
41 days after this amendment has been ratified by the State
42 Legislature the Council shall adopt an election code ordinance,
43 providing an adequate and complete procedure to govern
44 municipal elections, including the nomination of candidates
45 for all elective offices. All elections provided for by this
46 charter, whether for choice of officers or submission of ques-
47 tions to the voters, shall be conducted in the manner pre-
48 scribed by said election code ordinance."

49 "Section 9. NOMINATIONS. Nominations of candidates
50 for all elective offices shall be made in the manner prescribed
51
52

1 by the election code ordinance provided for in Section 8 of
2 this article."

3 "Section 10. ELECTIONS. The regular municipal pri-
4 mary election shall be held on the second Tuesday in March
5 in each odd-numbered year, and the general municipal election
6 shall be held on the third Tuesday in April of the same year,
7 or, if either of these days fall on a legal holiday, then the
8 election shall be held on the next succeeding day which is not
9 a legal holiday. All other municipal elections which may be
10 held under this charter shall be known as special municipal
11 elections.

12 At the municipal primary election there shall be chosen by
13 the electors of each Council District two candidates for the
14 office of any councilman from a district whose term expires
15 the succeeding May.

16 There shall be chosen by all of the electors of the City not
17 more than twice the number of candidates necessary to fill any
18 office of any other officer whose term expires the succeeding
19 May.

20 In the event that any candidate, other than council candi-
21 dates, for nomination to any office for which only one per-
22 son is to be elected, shall receive a majority of the votes
23 cast for all the candidates for nomination to such office at such
24 primary election, the candidate so receiving such majority of
25 votes shall be deemed to be, and declared by the Council to be,
26 elected to such office; provided, that in the case of candidates
27 for the office of Member of the Board of Education elected
28 at large, the candidates therefor equal to or less than the
29 number of such offices, for which nominations are made, who
30 receive the votes of more than one-half of the qualified elec-
31 tors voting at such election, shall be deemed to be, and
32 declared by the Council to be, elected to such office.

33 At the general municipal election the electors of the whole
34 City shall select from among the candidates chosen at the pri-
35 mary election in each district one candidate for the office of
36 the Councilman whose term expires the succeeding May, and
37 there shall be chosen by all of the electors of the whole City
38 from among the candidates chosen at the primary one candi-
39 date to succeed any other elective officer whose term expires in
40 May succeeding the election.

41 The Council shall meet at its usual place of meeting at an
42 hour previously determined, upon the second day next suc-
43 ceeding the date of each and every municipal election. The
44 Council shall then and there by resolution duly adopted and
45 entered on its minutes order the canvass made immediately by
46 the City Clerk. The Council need not be in session during
47 the time the canvass is being made by the City Clerk. The
48 Council may appoint several sets of clerks to perform the
49 clerical work of the canvass and to assist the City Clerk in
50 canvassing the returns. The several sets of clerks so appointed
51 may, under the order and direction of the City Clerk, perform
52 their duties in the canvassing of the returns simultaneously.

1 The canvass shall be made in public, and by opening the
2 returns and determining the vote of the City for each person
3 voted for and for and against each measure voted upon at the
4 election, and declaring the result thereof. The canvass shall
5 be continued daily, Sundays and holidays excepted, for not
6 less than six hours each and every day until completed.

7 The City Clerk shall certify the results of the canvass to
8 the Council, and the Council shall cause to be entered on its
9 record a statement showing:

10 (a) The whole number of votes cast in the City;

11 (b) The names of the persons voted for;

12 (c) The measures voted upon;

13 (d) What office each person was voted for;

14 (e) The number of votes given in the City to each person
15 and for and against each measure;

16 (f) A statement that the number of votes given in each
17 precinct to each person, and for and against each measure, are
18 recorded in the election returns book, which book is hereby
19 authorized and shall be considered as a part of the record of
20 the Council.

21 The results of the canvass shall be immediately made public.

22 After the result of an election for any office is declared, or
23 when an appointment is made, the City Clerk, under his hand
24 and official seal, shall issue a certificate therefor, and shall
25 deliver the same immediately to the person elected or
26 appointed, and such person must within ten days after receiv-
27 ing such certificate file his official bond, if one be required for
28 his office, and take and subscribe to the oath of office required
29 of him by this Charter, which oath must be filed with the City
30 Clerk."

31 PROPOSITION III.

32 Amend Section 17, Article III, of the Charter of The City of
33 San Diego, so as to read as follows:

34 "Section 17. WHEN ORDINANCES AND RESOLU-
35 TIONS TAKE EFFECT.—EMERGENCY MEASURES.

36 Ordinances making the annual tax levy, the annual appropria-
37 tion ordinances, ordinances calling or relating to elections,
38 and emergency measures, shall take effect at the time indicated
39 therein. All other ordinances passed by the Council shall take
40 effect at the time indicated therein, but not less than thirty
41 days from the date of their passage. Ordinances adopted by
42 vote of the electors shall take effect at the time indicated
43 therein, or, if no time be specified, then thirty days after their
44 adoption. An emergency measure is an ordinance to provide
45 for the immediate preservation of the public peace, property,
46 health, or safety, in which the emergency claimed is set forth
47 and defined in the preamble thereto. The affirmative vote of
48 at least five members of the Council shall be required to pass
49 any ordinance as an emergency measure. No measure making
50 or amending a grant, renewal or extension of a franchise or
51

1 other special privilege shall ever be passed as an emergency
2 measure. No situation shall be declared an emergency by the
3 Council except as defined in this section, and it is the intention
4 of this Charter that compliance with such definition shall be
5 strictly construed by the courts.

6 Resolutions shall become effective immediately upon their
7 passage, unless otherwise stated therein.

3 PROPOSITION IV.

10 Amend Section 23, Article III of the Charter of The City
11 of San Diego, so as to read as follows:

12 "Section 23. INITIATIVE, REFERENDUM AND RE-
13 CALL. The right to recall municipal officers and the powers
14 of the initiative and referendum are hereby reserved to the
15 people of the City. Ordinances may be initiated; and refer-
16 endum may be exercised on any ordinance passed by the
17 Council, except an ordinance which by the provisions of this
18 charter takes effect immediately upon its passage; and any
19 elective officer may be recalled from office. The Council shall
20 include in the election code ordinance required to be adopted
21 by Section 3, Article II, of this charter, an expeditious and
22 complete procedure for the exercise by the people of the initia-
23 tive, referendum and recall, including forms of petitions; pro-
24 vided that the number of signatures necessary on petitions
25 for the initiation of an ordinance for the consideration of the
26 Council shall be three per cent of the registered voters of the
27 City at the last general City election; that for the direct sub-
28 mission of a measure to the people it shall require a petition
29 signed by ten per cent of the registered voters of the City at
30 the last general City election; that for a referendum upon an
31 ordinance passed by the Council it shall require a petition
32 signed by five per cent of the registered voters of the City at
33 the last general City election; and that for the recall of an
34 elected officer it shall require a petition signed by fifteen per
35 cent of the registered voters of the City at the last general
36 City election."

38 PROPOSITION V.

40 Amend Section 53, Article V, of the Charter of The City of
41 San Diego, so as to read as follows:

42 "Section 53. WATER DEPARTMENT. There shall be
43 included in the administrative organization of the City a sepa-
44 rate department to be known as the Water Department. The
45 Department shall consist of three divisions or bureaus, viz.,
46 the Division of Development and Conservation, the Division
47 of Distribution, and the Division of Accounts.

48 (a) The Manager shall appoint a competent hydraulic
49 engineer, who shall have charge of the Division of Develop-
50 ment and Conservation and of such subordinate officers and
51 employees in said Division as shall be authorized by ordinance.
52

1 This Division shall have charge of all matters and things con-
2 nected with, incidental or necessary to the development and
3 conservation of water, and also of the conveyance and delivery
4 of water to the distributing system of the City and to such
5 consumers as are authorized to receive water from the City
6 along the line of its supply.

7 (b) The Manager shall appoint a Superintendent of Distri-
8 bution in the Water Department and such subordinate officers
9 and employees as may be authorized by ordinance. This Divi-
10 sion shall have charge of the distributing system of the City
11 both within and without the territorial boundaries of the City,
12 and of the actual distribution of water to the consumer, includ-
13 ing the construction and maintenance of water mains, services
14 and meters used in the distribution of water to the consumer.
15 The Council shall from time to time establish a schedule of
16 charges for water delivered by the City to the consumer, class-
17 fied according to the purpose for which and the quantity of
18 water used. Each such schedule shall be general in its applica-
19 tion, and shall apply to all consumers. All Departments of
20 the City using water from the distributing system shall pay
21 for the same at the same rates as other consumers.

22 (c) The City Manager shall appoint a qualified accountant
23 who shall have charge of the Division of Accounts and of such
24 subordinate officers and employees in said Division as shall be
25 authorized by ordinance. This Division shall have charge of
26 all accounts and records required to be kept and maintained by
27 Section 109 of this Charter with respect to said Water Depart-
28 ment.

29 (d) The Council must provide an adequate sum in the
30 annual appropriation ordinance for the proper maintenance of
31 the Department. In addition thereto, the Council shall levy
32 annually a tax sufficient to provide for the redemption of
33 municipal bonds heretofore or hereafter issued for water pur-
34 poses, together with a sum sufficient to pay the interest
35 thereon. The amount of money necessary to be raised each
36 year for the redemption of water bonds and the payment of
37 interest thereon and for the retirement of any other funded or
38 contractual indebtedness incurred by purchase or otherwise
39 for the development, conservation or distribution of water shall
40 be charged annually against the Water Department on the
41 accounts of the City. All revenues, except such as have been
42 heretofore appropriated by contract to some specific purpose,
43 in excess of the amount necessary for the maintenance and
44 operation of such Water Department shall be transferred
45 monthly to the General Fund of the City and shall be available
46 thereafter for use for any legal City purposes, and all such sur-
47 plus funds so transferred shall be credited on the accounts of
48 the City as a reimbursement credit for the monies paid by the
49 City each year for the redemption of water bonds and the pay-
50 ment of interest thereon. Such accounts shall be kept by the
51 City Auditor and Comptroller until such water bonds have
52 been actually redeemed.

1 (e) The Manager shall appoint an Advisory Commission of
2 three citizens who have knowledge of water development prob-
3 lems, to advise with the City Manager and the Council on
4 plans for future water development.

5 (f) The Council shall have power to employ special counsel
6 for the purpose of advising and representing the City in all
7 matters, proceedings and things relating to or concerning the
8 development, impounding and distribution of water."

9
10 PROPOSITION VI.

11 Amend Section 54, Article V, of the Charter of The City of
12 San Diego, so as to read as follows:

13 "Section 54. HARBOR DEPARTMENT.

14 (a) The Mayor, with the approval of the Council, shall
15 appoint three electors of the City as members of the Harbor
16 Commission, one to serve for two years, one for three years, and
17 one for four years. Thereafter, members of the Harbor Com-
18 mission shall be appointed to serve for four years and until
19 their successors have been appointed and qualified. The mem-
20 bers of the Harbor Commission in office at the time this
21 Charter becomes effective shall remain in office until their
22 successors are appointed and qualified. The Council may at
23 any time by a vote of at least five (5) of their members remove
24 from office any or all of said Harbor Commissioners. The
25 members of the Harbor Commission shall serve without pay.

26 (b) The Harbor Commission is vested with jurisdiction and
27 authority to exercise in the name of The City of San Diego
28 such powers as are prescribed by general laws now in force and
29 hereafter enacted, together with such additional powers and
30 duties as may be prescribed by ordinance, this Charter, or the
31 laws of the United States. The Commission shall have juris-
32 diction, supervision, management and control of the Bay of
33 San Diego fronting upon The City of San Diego and within
34 the jurisdiction of said City, including all tide and submerged
35 lands, whether filled or unfilled, situated below the line of
36 mean high tide within the limits of said City, except, however,
37 such tide and submerged lands which have heretofore or which
38 hereafter may be transferred to the exclusive control of the
39 United States and excepting further such other land as may by
40 vote of the people or act of the State Legislature be transferred
41 to a purpose and use inconsistent with commerce, navigation
42 and fisheries.

43 (c) The Harbor Commission shall have power to adopt,
44 with the approval of the Council by ordinance, such rules and
45 regulations as may be necessary to exercise and carry out the
46 powers and duties prescribed by this Charter for said Harbor
47 Commission.

48 (d) The Harbor Commission, subject to the Civil Service
49 provisions of this Charter, shall appoint a Port Director,
50 together with such other officers, employees and subordinates

1 as may be necessary in the judgment of said Harbor Commis-
2 sion to carry out the duties prescribed by this Charter for said
3 Harbor Commission and for the promotion of commerce, navi-
4 gation and fisheries. All such offices and employments shall be
5 created by ordinance upon the direct recommendation of the
6 Harbor Commission. The Harbor Commission shall also have
7 authority and power to employ legal counsel whenever in the
8 judgment of said Commission such employment is necessary.

9 (e) The Port Director shall be the chief administrative offi-
10 cer of the Harbor Commission, and he shall exercise such
11 powers and perform such duties as may be prescribed by the
12 Harbor Commission. In addition to any duties imposed by
13 the Harbor Commission and this Charter the Port Director
14 shall also perform such duties as may be imposed upon harbor
15 masters, port directors and administrative heads of harbors and
16 ports by State or Federal law.

17 (f) The Council shall appropriate each fiscal year until the
18 fiscal year 1948-1949, the sum of \$150,000.00 in the Annual
19 Appropriation Ordinance for the use of the Harbor Commis-
20 sion on harbor improvements. This sum so appropriated
21 annually, together with such portions of the revenues and
22 receipts of the department as may not be needed for operating
23 expenses, shall be placed in a trust fund in the City Treasury,
24 and expended by the Harbor Commission for capital purposes
25 only in the development of the harbor of San Diego and of
26 tidelands heretofore or hereafter granted to The City of San
27 Diego by the State of California. When the harbor has been
28 fully developed all such funds which are not necessary for the
29 maintenance and operation of said department shall be placed
30 in the general fund of the City and thereafter used for any
31 lawful purpose.

32 (g) The Harbor Commission shall have authority to lease
33 tidelands for such terms and upon such conditions as may be
34 authorized by law; provided, however, that no lease of any
35 tidelands within the jurisdiction of the City for a term
36 longer than one year shall be valid unless said lease shall
37 have been confirmed by the Council.

38 (h) Any municipal air ports now established or which
39 may hereafter be established on the tidelands shall be under
40 the control and supervision of the Harbor Commission until
41 such time as the Council by ordinance shall create a Depart-
42 ment of Aviation under the Manager, at which time the Coun-
43 cil may provide in such ordinance for the control, regulation
44 and supervision of municipal air ports by the Department of
45 Aviation.

46 (i) And all matters concerning the development of the
47 Harbor of San Diego in which the Planning Commission of
48 The City of San Diego shall have an interest, and which
49 relate to the planning and zoning of The City of San Diego,
50 shall be referred by the Harbor Commission to the Planning
51 Commission for recommendation before final action is taken
52 thereon. In the event of a disagreement between the Harbor

1 Commission and the Planning Commission concerning such
2 proposed development, the matter shall be referred to the
3 Council, whose decision on such development shall be final.”

4 PROPOSITION VII.

5
6 Amend Section 55, Article V, of the Charter of The City
7 of San Diego, so as to read as follows:

8 “Section 55. PARK DEPARTMENT. The Park Depart-
9 ment shall consist of the Park Division, the Cemetery Divi-
10 sion and the Street Trees Division.

11 The Manager shall appoint a Park Commission of three
12 members whose powers shall be as prescribed in Section 43.

13 The Manager shall appoint a Park Director, who, in turn,
14 shall appoint a Superintendent of Cemeteries, and a Super-
15 intendent of Street Trees.

16 The Park Director shall, subject to the advice of the
17 Manager, supervise the administration of the affairs of the
18 Cemetery and Street Trees Divisions and shall, in addition,
19 be the executive officer and director of activities of the Park
20 Division.

21 (a) The Park Department shall have the control and
22 management of the parks, parkways, plazas, cemeteries and
23 street trees of the City. The Council shall by ordinance adopt
24 regulations for the proper use and protection of park prop-
25 erty, and provide penalties for violations thereof.

26 The Manager is charged with the enforcement of such regu-
27 lations.

28 All real property heretofore or hereafter designated or
29 set aside for park, recreation or cemetery purposes shall not
30 be used for any but park, recreation or cemetery purposes
31 without such changed use or purpose having been first author-
32 ized or permitted in such manner as is prescribed by the laws
33 of the State of California in such cases and until such changed
34 use or purpose is first authorized or ratified by a vote of
35 two-thirds of the qualified electors of the City voting at an
36 election for that purpose. Provided, however, that whenever
37 the Council deems it to be for the best interests of the City,
38 the Council may authorize the City Manager to enter into
39 leases or contracts or let concessions, upon such terms and
40 conditions as the Council shall prescribe, for the use and
41 operation of the City Stadium in Balboa Park and for the
42 use and operation of City-owned equipment and facilities
43 of an amusement character located in the parks of the City,
44 together with buildings and space therein necessary and
45 convenient for the operation of the same.

46 The Park Director shall have the power, with the approval
47 or on the recommendation of the Manager, and when not
48 inconsistent with the proper park development or use, to
49 permit the use by the Playgrounds and Recreation Depart-
50 ment of suitable and convenient areas in any of the parks in

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1 the City for playgrounds, recreation centers or recreation
2 camps.

3 The Park Director shall have all other powers conferred
4 upon Boards of Park Commissioners by general laws, but the
5 people may by a two-thirds vote modify such laws so as to
6 designate boulevards, streets and highways in the parks and
7 parkways as part of the public street and road system of the
8 City and give to the Manager supervision over the construc-
9 tion, repair and maintenance thereof.

10 (b) THE CEMETERY DIVISION shall, subject to the
11 advice of the Park Director, be charged with the management,
12 control, preservation, regulation, improvement and embellish-
13 ment of all public burial grounds and cemeteries belonging to
14 the City, and the sale of lots therein.

15 The net proceeds from the sale of such lots shall be
16 deposited with the City Treasurer to be placed in the Ceme-
17 tery Perpetuity Fund.

18 The Cemetery Perpetuity Fund shall be administered by
19 the Funds Commission and shall be vested in such income
20 producing securities as the Funds Commission may decide;
21 the principal of the Perpetuity Fund (subject to such accre-
22 tion or diminution as may result from investing the same),
23 shall not be available for meeting expenses of maintenance or
24 upkeep of any nature whatsoever, but the income derived
25 from such investment shall be transferred to the control of
26 the Cemetery Division to be expended in the maintenance and
27 upkeep of the Cemeteries.

28 The Cemetery Division shall have the power to construct,
29 maintain and operate crematories, chapels and such other
30 adjuncts as properly pertain to cemeteries, in so far as avail-
31 able funds will permit.

32 (c) THE STREET TREES DIVISION shall, subject to
33 the advice of the Park Director, have charge of the planting,
34 maintaining, and removal of trees along the streets and boule-
35 vards of the City.”

36 PROPOSITION VIII.

37 Amend Section 77, Article VII, of the Charter of The City
38 of San Diego, so as to read as follows:

39 “Section 77. SPECIAL TAX LEVY. In addition to the
40 taxes herein or by general law authorized to be levied and
41 collected in an amount sufficient to pay the bonded indebted-
42 ness of the City, and subject to the limitation of Section 76 of
43 this Article, the Council shall have the power to levy and
44 collect a tax at the rate of not more than five cents on each
45 one hundred dollars of the assessed valuation during any one
46 fiscal year, for the acquisition and construction of permanent
47 improvements, real property, public buildings and structures
48 and public offices, including equipping and furnishing of the
49 same. Provided, however, that said amount of five cents may
50 be increased by a vote of two-thirds of the electors voting on
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1 the proposition, but not to exceed the amount limited by said
2 Section 76."

3 PROPOSITION IX.

4 Amend Section 77a, Article VII, of the Charter of The City
5 of San Diego, so as to read as follows:

6 "Section 77a. The Council shall levy annually, in addi-
7 tion to all other taxes provided for in this Charter, not less
8 than two cents (\$.02) on each one hundred dollars (\$100.00)
9 of the assessed valuation of the real and personal property
10 within the City, to be used exclusively for the maintenance in
11 Balboa Park of zoological exhibits.

12 Whenever the Council deems it to be for the best interests
13 of the City, the Council may enter into a contract, upon such
14 terms and conditions as the Council may prescribe, for the
15 maintenance in Balboa Park of zoological exhibits, with any
16 organization formed primarily for the purposes of maintain-
17 ing zoological gardens and zoological exhibits and conducting
18 general zoological work; and may make available to such
19 organization the proceeds of the special tax levy provided for
20 in this section."
21

22 PROPOSITION X.

23 Amend Section 86, Article VII, of the Charter of The City
24 of San Diego, so as to read as follows:

25 "Section 86. DISPOSITION OF PUBLIC MONEYS.
26 All City officials and employees empowered to collect money
27 for fees, permits, licenses, inspections, services, taxes or other
28 municipal charges, shall collect the same promptly at the time
29 they become due, turn them into the City Treasury daily,
30 obtain a receipt therefor, and report the same to the City
31 Auditor and Comptroller weekly; provided, however, that in
32 the case of employees located in distant parts of the city or
33 county who in the course of their duties collect money belong-
34 ing to the City, which collections can be deposited in the City
35 Treasury daily only with difficulty and undue cost to the
36 City, such collections may be deposited in the City Treasury
37 within one week after their receipt by the employee collecting
38 the same. All such moneys and all fines or pecuniary penal-
39 ties or forfeitures which may accrue to the City, and all funds
40 which may remain in the possession of the City unclaimed
41 after a period of one year from the date when due and payable,
42 shall be credited to the general fund of the City, and shall be
43 applicable to any purpose to which the Council may appro-
44 priate them and the Council shall appropriate from this fund
45 whatever sum may be necessary to pay valid claims of more
46 than one year's standing."
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1 PROPOSITION XI.

2 Amend Section 95, Article VII, of the Charter of The City
3 of San Diego, so as to read as follows:

4 "Section 95. PREFERENCE IN ACCEPTING BIDS.
5 Any board, officer, commission or department empowered by
6 this Charter to award contracts for goods, wares, merchandise,
7 stores, supplies, drugs, subsistence, materials, equipment, tools,
8 or other products of industry or manufacture, the cost or
9 expense of which is to be paid by the City or any board, office,
10 commission or department thereof, may award a contract for
11 the purchase, sale and furnishing thereof to a regular bidder
12 other than the lowest responsible bidder therefor, when, in
13 the judgment of such awarding board, officer, commission or
14 department, the best interests of the City and the public policy
15 relating to the general welfare will be subserved thereby, and
16 when the bidder specifies in his bid the following terms and
17 conditions to be observed in the execution of the contract and
18 he furnishes additional security for the fulfillment thereof,
19 to-wit:

20 That the articles, products or materials are to be in whole
21 or in part manufactured, made or produced in industries
22 established in The City of San Diego or in the County of San
23 Diego, specifying the name and location thereof; or that the
24 articles, products or materials are regularly stocked, handled
25 and sold by business establishments located in The City of
26 San Diego or in the County of San Diego, specifying the name
27 and location of such establishments.

28 Provided, however, that the bid of such higher bidder does
29 not in amount or price exceed by five per cent that of the
30 lowest responsible bidder for such contract."
31

32 PROPOSITION XII.

33 Amend Section 99, Article VII, of the Charter of The City
34 of San Diego, so as to read as follows:

35 "Section 99. CONTINUING CONTRACTS. No contract
36 or obligation involving the payment of money out of the
37 appropriations of more than one year, except bonded indebted-
38 ness provided for in Section 90 of this Article, shall be entered
39 into unless there shall first have been notice published in the
40 official newspaper of the City at least two weeks before final
41 action of the Council thereon. Such a contract shall require
42 the approval of not less than five members of the Council. If
43 the contract is to be for a period of more than five years it
44 must also first be submitted to the electors of the City at a
45 regular or special election and be approved by a two-thirds
46 majority of those voting thereon. Any contract entered into
47 in violation of the requirements of this section shall be invalid,
48 and no rights, indebtedness, liabilities or obligations shall arise
49 thereunder or be created thereby."
50
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PROPOSITION XIII

The proposition but not to exceed the amount limited by said

Amend Sections 103, 104 and 105, Article VII, of the Charter of The City of San Diego, so as to read as follows:

"Section 103. FRANCHISES. The Council shall have power to grant to any person, firm or corporation, franchises, and all renewals, extensions and amendments thereof, for the use of any public property under the jurisdiction of the City. Such grants shall be made by ordinance adopted by vote of five of the members of the Council and only after recommendations thereon have been made by the Manager and an opportunity for free and open competition and for public hearings have been given. No ordinance granting a franchise or a renewal, extension or amendment of an existing franchise shall be effective until thirty days after its passage, during which time it shall be subject to the referendum provisions of this Charter. No franchises shall be transferable except with the approval of the Council expressed by ordinance."

"Section 104. TERM AND PLAN OF PURCHASE.

Within six months after this Charter takes effect, copies of all franchises existing at the time shall be deposited with the Manager. The Council shall certify to the existence of such franchises and shall recognize them for periods not longer than the date of expiration on each. The Manager shall keep a public record of all franchises, leases or permits granted for the use of the public property of the City. The terms of all new franchises shall not extend beyond a period of fifty years, provided that any franchise may be terminated by ordinance whenever the City shall determine to acquire by condemnation or otherwise the property of any utility necessary for the welfare of the City, such termination to be effective upon and not before payment of the purchase price for the property to be acquired. The method of determining the price to be paid for the property so acquired shall be that provided by law affecting the purchase of public utility properties in effect at the time of the purchase or condemnation of such public utility property."

"Section 105. RIGHT OF REGULATION. All grants,

renewals, extensions or amendments of franchise, whether it be so provided in the ordinance or not shall be subject to the right of the City to repeal the same by ordinance at any time for misuse or non-use or for failure to begin construction within the time prescribed, or otherwise to comply with the terms prescribed; also to initiate proceedings before the proper tribunal to require proper and adequate extensions of plant and service, the maintenance of the plant and fixtures at the highest practicable standard of efficiency, the establishing of reasonable standards of service and quality of products, and the preventing of unjust discrimination in service or rates; and also at any time to examine and audit the accounts and other records of any franchise holder, and to require annual and other reports from each franchise holder; provided that the

Council may prescribe more detailed forms for the franchise holders within its jurisdiction in addition to the forms and reports required by the General Laws of the State of California and the regulations of the State Railroad Commission; and to impose such other regulations as may be necessary for the health, safety and welfare of the public.

The City may provide that the percentage of gross annual receipts derived from the franchise privilege shall be paid to the Treasurer in such amounts and at such times as shall be determined in the ordinance granting the franchise.

The owner of a street or interurban railway franchise or privilege shall at all times keep that portion of the street occupied by his or its tracks in good condition, constantly in repair, flush with the street and with good crossings, and in the event that the street on which said franchise or privilege is granted shall be paved either by the City or under proceedings authorized by the General Laws of the State, the said owner of said franchise or privilege shall be required to pay for only that portion of any construction in excess of that covered by the specifications for the improvement of the rest of the street and which shall be necessary to provide a safe and suitable foundation for the operation of car lines over a paved street. It is the intent and purpose of this section to relieve the owner of a franchise or privilege to operate street cars on the streets of The City of San Diego of the cost of new surface pavement between the tracks of said owner and for two feet on either side thereof on streets to be hereafter paved, and to require the owner of said franchise or privilege to lay a suitable foundation for the operation of car lines over a paved street.

Nothing herein contained, however, shall relieve the said owner of said franchise or privilege of his or its obligation to keep those portions of the streets occupied by the said owner constantly in repair flush with the street, and with good crossings, and to keep that portion of the pavement now existing or which may hereafter be placed between the rails, and for two feet on each side thereof, and between the tracks if there be more than one, in good condition.

In the event that a street on which a franchise under this section shall have been granted shall be paved or improved under any of the General Laws in force at the time said improvement is started, the property owners shall be required to bear the entire cost of the improvement of the street including the cost of improving that portion of the street occupied by the owner of said franchise, save and except that portion required to be borne by the owner of the franchise, as hereinbefore provided."

PROPOSITION XIV.

Amend Section 109, Article VII, of the Charter of The City of San Diego, so as to read as follows:

"Section 109. ACCOUNTS OF MUNICIPALLY OWNED UTILITIES. Accounts shall be kept for each public utility

1 owned or operated by the City distinct from other City
 2 accounts and in accordance with the uniform classification of
 3 accounts, prescribed by the Railroad Commission of the State
 4 of California for such class of public utility, in so far as the
 5 same may be applicable to the accounts of municipally owned
 6 utilities. They shall show as nearly as possible the cost of
 7 any service furnished to or rendered by any such public utility
 8 by or to any other department of the City. They shall also
 9 show an estimate of the amount of ad valorem taxes, whether
 10 paid or not, that would be chargeable against the property if
 11 privately owned. There shall also be shown in such accounts
 12 the sinking fund or redemption requirements for all bonds
 13 hitherto or hereafter issued to obtain funds for the construc-
 14 tion of the property of such public utility. The accounts shall
 15 show a proper allowance for depreciation on all property used
 16 in rendering utility service, and such depreciation shall be
 17 taken account of in fixing the charges made for service
 18 rendered by such utility. The purpose of such accounts shall
 19 be to show as nearly as may be the cost of rendering the service
 20 provided by such municipally owned utility. The Council
 21 may cause to be made and reproduced for public distribution
 22 reports showing the financial results of such City ownership
 23 and operation, or such other information as the Council shall
 24 deem expedient."

25 PROPOSITION XV.

26 Amend Section 112, Article VII, of the charter of The City
 27 of San Diego, so as to read as follows:

28 "Section 112. APPRAISAL OF CITY ASSETS. The
 29 Auditor and Comptroller shall show in his records the cost
 30 or value of all real estate, buildings, structures, furniture and
 31 fixtures, supplies, materials, equipment and property of any
 32 kind owned by the City, and may require every officer or Com-
 33 mission to assist him in procuring the data required there-
 34 for. Proper depreciation shall be made of all property
 35 of any kind which is used by the City for utility purposes.
 36 A proper balance sheet under classified heads shall be pre-
 37 sented to the Manager for inclusion in the annual budget
 38 and shall be published in the annual report of the Auditor
 39 and Comptroller. This balance sheet shall show all con-
 40 vertible and other assets and all liabilities of the City."

41 PROPOSITION XVI.

42 Amend Section 118, Article VIII, of the Charter of The
 43 City of San Diego, so as to read as follows:

44 "Section 118. RULES. The Civil Service Commission
 45 shall adopt and may amend rules for the government, super-
 46 vision and control of the classified service. Such rules after
 47 adoption shall have the force and effect of law. No rule
 48 or amendment thereto, however, shall become effective unless
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1 it shall have been adopted after a public hearing thereon,
 2 with reasonable notice of such hearing first given, and only
 3 after such proposed rule or amendment thereto has been
 4 published once in the official newspaper of the City and
 5 posted in three public places, and has also been approved
 6 by the Council. The rules among other things shall provide:

7 (a) For the standardization and classification of all posi-
 8 tions and employments in the classified service of the City.
 9 Such classification into groups and subdivisions shall be
 10 based upon and graded according to duties and responsi-
 11 bilities and so arranged as to promote the filling of the higher
 12 grades, so far as practicable, through promotions.

13 (b) For the rejection of any and all applicants who are not
 14 citizens of the United States. In making its selection, the
 15 Commission shall show preference (1) to citizens of the
 16 City of San Diego; (2) to citizens of the County of San
 17 Diego; (3) to citizens of California; (4) to other citizens of
 18 the United States.

19 (c) For competitive tests to ascertain the relative fitness
 20 of all applicants for appointment in the competitive class.

21 (d) For public notice of the time and place of all com-
 22 petitive tests, at least twenty days in advance thereof, by
 23 publication in the official paper of the City and by posting a
 24 notice in a conspicuous place in the City Hall.

25 (e) For the creation of eligible lists upon which shall be
 26 entered the names of the successful applicants in the order
 27 of their standing in the competitive tests and without refer-
 28 ence to the time of the test.

29 (f) For the rejection of applicants or eligibles who do not
 30 satisfy reasonable requirements as to age, sex, physical con-
 31 dition and moral character or who have attempted deception
 32 or fraud in connection with any test or their application
 33 therefor.

34 (g) For the certification to the appointing authority, from
 35 the appropriate eligible list, for filling a vacancy in the com-
 36 petitive class, of the three names standing highest on such list.

37 (h) For temporary employment without test, in the absence
 38 of an eligible list; but no such temporary employment shall
 39 continue after the establishment of a suitable eligible list, nor
 40 for more than sixty days.

41 (i) For temporary employment for transitory work without
 42 test, but such employment shall require the consent of the
 43 Personnel Director in each case, and shall not continue for
 44 more than sixty days. No successive temporary appointment
 45 shall be allowed. Nor shall the acceptance or refusal to accept
 46 such temporary appointment on the part of a person on the
 47 eligible list be a bar to appointment to a permanent position
 48 from said eligible list.

49 (j) For transfer from one position to a similar position in
 50 the same class and grade, and for immediate reinstatement
 51 within one year of persons who, without fault or delinquency

1 on their part, are separated from the service or reduced in
2 rank.

3 (k) For non-competitive tests for appointments to positions
4 designated by the City Manager or other City Officers in
5 charge of a Department and approved by the Civil Service
6 Commission and requiring peculiar and exceptional qualifi-
7 cations of a scientific, managerial, professional or educational
8 character.

9 (l) For promotion based on competitive tests and upon
10 records of efficiency, character, conduct and seniority. Lists
11 shall be created and promotions made therefrom in the same
12 manner as prescribed for original appointments except as
13 otherwise provided for in this Charter.

14 (m) For suspension for the purpose of discipline, for not
15 longer than ninety days.

16 (n) For leave of absence, with or without pay.

17 (o) For the appointment of unskilled laborers in the order
18 of priority of applications, and with such test of physical and
19 mental fitness as the Personnel Director may prescribe.

20 (p) For discharge or reduction in rank or compensation
21 after the person to be discharged or reduced has, if he so
22 request, be presented by the person responsible for his appoint-
23 ment with the reasons therefor specifically stated in writing
24 and has been given an opportunity to be publicly heard in his
25 own defense by the Civil Service Commission or as otherwise
26 provided for in this Charter. The written reasons for such
27 discharge or reduction and any reply in writing thereto by
28 any such officer or employee shall be filed forthwith with the
29 Civil Service Commission.

30 (q) For investigating and keeping a record of the efficiency
31 of officers and employees in the classified service, and for
32 requiring markings and reports relative thereto from appoint-
33 ing authorities.

34 (r) An appointment or promotion shall not be deemed com-
35 plete until a period of probation not to exceed six months has
36 elapsed, and a probationer may be discharged or reduced at
37 any time within the said period of six months without a hear-
38 ing upon the recommendation of the head of the Department
39 in which said probationer is employed, or by the City Manager,
40 with the approval of the majority of the Commission.

41 (s) That the appointing authority, which appointing
42 authority, within the meaning of this section, is hereby defined
43 to be the person having the power in the first instance to select
44 the employee from the eligible list provided for that purpose,
45 shall have the power to lay off or suspend an employee or
46 employees because of lack of funds, lack of work, or where
47 there has been an insufficient appropriation to meet the salary
48 requirements necessary to maintain existing personnel in any
49 office, department, division or bureau of the City. Provided,
50 however, that any such lay-off or suspension shall be made in
51 conformity with the rules and regulations of the Civil Service
52 Commission governing the order in which employees shall be

1 laid off or suspended in cases where a reduction of personnel
2 is required."

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PROPOSITION XVII.

Amend Section 130, Article VIII, of the Charter of The
City of San Diego, so as to read as follows:

"Section 130. COMPENSATION ESTABLISHED. The
Council shall by ordinance, prior to the beginning of each
fiscal year, establish a schedule of compensation for officers
and employees in the Classified Service, which shall provide
uniform compensation for like service. It shall be the duty
of the Civil Service Commission to prepare and furnish to the
Council, prior to the adoption of said ordinance, for the
information and guidance of the Council, a schedule of com-
pensation recommending a minimum and maximum for any
grade. The Council may adopt such schedule as presented, or
make such changes therein as it may deem necessary and
proper. An increase in compensation, within the limits pro-
vided for any grade, may be granted at any time by the City
Manager or other appointing authority upon the basis of effi-
ciency and seniority record, after having first received the
approval of the Civil Service Commission therefor."

PROPOSITION XVIII.

Repeal Section 161, Article X, of the Charter of The City
of San Diego.

Amend Section 162, Article X, of the Charter of The City
of San Diego, so as to read as follows:

"Section 162. RETIREMENT FOR SERVICE.

(a) Whenever any person who shall heretofore have quali-
fied as hereinafter provided, shall have been duly appointed,
selected and sworn, and have served for twenty (20) 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, the Board of Trustees shall, upon the written request
of such or any member or without such request if it deem it
for the good of the service, retire such member from further
service in the Police Department and from the date of such
order of retirement the service of such person shall cease and
he shall thereafter, during his lifetime, be paid from the Police
Relief and Pension Fund a yearly pension equal to one-half
($\frac{1}{2}$) the amount of the average yearly salary of said person
for the five (5) years immediately preceding the date of his
retirement, payable to him in monthly installments; provided,
however, that members of the Police Department of The City
of San Diego who enter the service of the Department subse-
quent to the date of ratification of this amendment by the State
Legislature shall not be so retired before they reach the age of
fifty (50) years, and before twenty-five (25) years of service
in the aggregate.

1 In computing the time of service required for retirement,
2 the amount of time served in the United States Army, Navy,
3 Marine Corps or any division thereof in time of war by any
4 member of the City Police Force, who shall have left said
5 force for the purpose of and entered such service of the
6 United States Army, Navy, Marine Corps or any division
7 thereof immediately thereafter, and who shall have returned
8 to said Police Department within three months after having
9 been honorably discharged from said military service, shall
10 have such time counted as part of the aggregate service
11 required for retirement pension.

12 (b) Upon the death of said pensioner, one-third ($\frac{1}{3}$) of
13 the amount of his annual salary shall be paid to his widow,
14 until she remarries, but in no case shall such pension exceed
15 seventy-five dollars (\$75.00) per month; and if there be no
16 widow, each child under eighteen (18) years of age, if unmar-
17 ried, shall receive twenty dollars (\$20.00) per month, but in
18 no case shall such pension exceed the sum of seventy-five
19 dollars (\$75.00) per month for one family; and if no widow
20 or children, one-third ($\frac{1}{3}$) of his annual salary, not to exceed
21 fifty dollars (\$50.00) per month, shall be paid to his mother
22 or father, if either of them were dependent upon him during
23 his lifetime; and if no mother or father, then to any sister or
24 brother under the age of eighteen (18) years and unmarried
25 who was dependent upon him during his lifetime, so long as
26 said sister or brother are under the age of eighteen (18) years
27 and dependent.

28 Provided, however, if such pensioner was pensioned for
29 service for twenty years or more the widow shall not be
30 entitled to any pension unless she was married to said pen-
31 sioner at least three years previous to the time of his retire-
32 ment. If the widow of a pensioner, entitled to a pension, shall
33 refuse to provide for a dependent child or children or other
34 dependent provided for in this Section, the Board of Trustees,
35 upon satisfactory proof thereof, shall have the power to pro-
36 vide for said dependent child or children or other dependent,
37 and to deduct such amount from the pension of said pensioner
38 as may in the judgment of the Board be proper and neces-
39 sary."

40 PROPOSITION XX

41
42 Repeal Sections 202 to 210, inclusive, comprising all of
43 Article XIII, of the Charter of The City of San Diego.

44 PROPOSITION XXI

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46
47 Amend Section 213, Article XIV, of the Charter of The
48 City of San Diego, so as to read as follows:

49 "Section 213. CONTINUING IN FORCE ORDI-
50 NANCES AND CONTRACTS. All ordinances not inconsis-
51 tent with any of the provisions of this Charter shall continue
52 in force until amended or repealed, and all contracts of The

1 City of San Diego in force at the time of the adoption of this
2 Charter, and not inconsistent with any of the provisions
3 thereof, shall continue in force until completed, amended or
4 rescinded."

5 And we further certify that we have compared the fore-
6 going amendments with the original proposals submitting the
7 same to the qualified electors of said City and find that the
8 foregoing is a full, true and exact copy thereof.

9 IN WITNESS WHEREOF, we have hereunto set our hands
10 and caused the seal of said The City of San Diego to be affixed
11 hereto this 1st day of May, 1941.

12 P. J. BENBOUGH
13 Mayor of The City of San Diego,
14 California.

14 [SEAL]

15 FRED W. SICK
16 City Clerk of The City of San
17 Diego, California.

18 and

19 WHEREAS, Said proposed charter amendments are now sub-
20 mitted to the Legislature of the State of California for
21 approval or rejection as a whole without power of alteration
22 or amendment, in accordance with Section 8 of Article XI of
23 the Constitution of the State of California, now, therefore,
24 be it

25 Resolved by the Senate of the State of California, the
26 Assembly concurring, a majority of all the members elected to
27 each house voting therefor and concurring therein, That said
28 amendments to said charter herein set forth, as submitted to
29 and adopted and ratified by the qualified electors of said City,
30 be, and the same are, hereby approved as a whole, without
31 amendment or alteration, for and as amendments to and as
32 part of the charter of said The City of San Diego.