

**General Municipal Election**

**City of San Diego**

**April 20, 1943**

4-20-1943

O-2622, O-2631

FOR MAYOR	
(Vote for One)	
JAMES B. ABBEY	11,913
HARLEY E. KNOX (Councilman)	25,353
FOR COUNCILMAN DISTRICT NO. 2	
(Vote for One)	
H. DeGRAFF AUSTIN (Incumbent)	29,525
FOR COUNCILMAN DISTRICT NO. 5	
(Vote for One)	
CHARLES C. DAIL	28,631
FOR COUNCILMAN DISTRICT NO. 6	
(Vote for One)	
WALTER W. AUSTIN	22,002
CARL B. MILLER	10,386
TOTAL VOTE	
37,479	

4-20-1943

0-2623

PROPOSITION No. 1. Shall The City of San Diego, through its Council, be empowered and authorized to grant and convey to the United States of America all or any portion or portions of the following parcels of tide and submerged lands situated in The City of San Diego:

Parcel No. 2: 6154 square feet between the southeasterly line of Harbor Drive and the U. S. Destroyer Base;

Parcel No. 3: 71.2 acres between the U. S. Bulkhead Line and the U. S. Pierhead Line, adjacent to the U. S. Destroyer Base;

Parcel No. 4: 19.0 acres between the U. S. Bulkhead Line and the U. S. Pierhead Line, adjacent to the U. S. Destroyer Base;

Reserving to The City of San Diego perpetual easements over Parcel No. 2 for the laying and maintaining of underground public utilities, such as sewers, drains, water mains, gas, electric and power lines; which said tidelands are to be used by the United States of America for military purposes, and particularly for the purpose of establishing and maintaining thereon piers, landings, buildings and structures to be used by the United States Navy Department?

YES

26,008

87.84%

NO

3,600

12.16%

29,608

0-2623

PROPOSITION No. 2. Shall The City of San Diego, through its Council, be empowered and authorized to grant and convey to the United States of America all or any portion or portions of the tidelands lying between the southeasterly prolongation of the southwesterly line of Water Street, as shown on the Map of Middletown, the Mean High Tide Line of the Bay of San Diego and the southwesterly prolongation of the northwesterly line of Harasthy Street, containing 4.013 acres, more or less; reserving to the City perpetual easements for the laying and maintaining of underground public utilities, such as sewers, drains, water mains, gas, electric and power lines across said parcel wherever necessary or convenient; which said tidelands are to be used by the United States of America for military purposes, and particularly for the purpose of establishing and maintaining thereon buildings and structures to be used by the United States Navy Department in connection with and as an extension of its Marine Corps Base?

YES

25,441

88.13%

NO

3,427

11.87%

28,868

0-2624

PROPOSITION No. 3. Amend Section 40 of the Charter of The City of San Diego.

This amendment provides that in the event of a vacancy occurring in the office of City Attorney, the City Council shall within thirty (30) days fill the vacancy. The person appointed by the Council shall hold office only until the next regular municipal election, at which time a person shall be elected for a full term of four years.

86.93%

YES

25,492

13.07%

NO

3,834

29,326

4-20-1943

0-2624

**PROPOSITION No. 4.** Amend the Charter of The City of San Diego, by adding thereto a new section, to be numbered Section 71a.  
 This amendment provides that at the beginning of each fiscal year the several amounts appropriated in the Annual Appropriation Ordinance for the preceding fiscal year, for salaries and wages and maintenance and support expenses, shall be deemed to be automatically reappropriated for the same purpose, until the Council shall adopt the Annual Appropriation Ordinance for the new fiscal year; and authorizes the Auditor and Comptroller during such interim to approve the payments necessary for the support of the various city offices, departments, services and institutions on the basis of the appropriations of the preceding fiscal year. *27,597*

YES	77.91%
21,502	
NO	22.09%
6,095	

0-2624

**PROPOSITION No. 5.** Amend Section 77 of the Charter of The City of San Diego.  
 This amendment authorizes the creation and accumulation of a fund for capital outlays; empowers the City Council by a vote of not less than five of its members to raise by taxation in any fiscal year money for such fund, the amount raised being limited by the maximum tax rate of \$1.34 on each one hundred dollars of assessed valuation of the real and personal property within the City, established by Section 76 of the Charter; provides that no disbursements from said fund shall be made for any other purpose than capital outlays, unless another purpose is authorized by a vote of two-thirds of the electors of the City; defines the term "capital outlays" to mean and be confined to permanent public improvements, including the reconstruction and replacement of existing public improvements. *27,526*

YES	68.9%
18,718	
NO	32.0%
8,808	

0-2624

**PROPOSITION No. 6.** Amend Sections 157 and 158 of the Charter of The City of San Diego.  
 The amendment to Section 157 simply increases the contributions made to the fund from the present rate of a sum equal to 4% of the pay of each regular member or employee of the Police Department to a sum equal to 6% of such pay.  
 The amendment to Section 158 consists solely of the elimination of the second paragraph of Subdivision (d) of the section, which, as it now stands, provides that whenever the Police Relief and Pension Fund contains a sum of money amounting to one thousand dollars for each member of the Police Department, then all payments into the fund provided for in the section shall cease and shall be resumed only in the event that said fund shall be decreased below the amount specified. *29,305*

YES	70.51%
20,663	
NO	29.49%
8,642	

0-2628

**PROPOSITION No. 7.** Amend Section 197 of the Charter of The City of San Diego.  
 This amendment consists in adding an additional paragraph to the Section which provides that during a period when the United States is engaged in war and for six (6) months following the cessation of hostilities the Council may, by ordinance adopted by a vote of five (5) of its members authorize the employment upon the public works of the City of the nationals of countries allied with the United States or with which the United States is at peace. *27,339*

YES	76.36%
20,877	
NO	23.64%
6,462	

0-2625

**PROPOSITION No. 8.** Shall the use as a public park of 5.16 acres, more or less, of the lands owned by The City of San Diego, known as Torrey Pines Park, lying in the most northerly portion of said Torrey Pines Park, between the Atchison, Topeka & Santa Fe Railway Company's right of way, McGonigle Road and Pacific Highway, be discontinued, and upon the discontinuance of the use of said real property as a public park shall the same be used for another public purpose, to-wit: For the purpose of permitting The City of San Diego to lease all or portions of said land for the erection and maintenance of houses thereon?

YES	69.87%
20,269	
NO	30.13%
8,741	

29,010

Total vote Prop 8 only  
29,025

4/20/43

# 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 20, 1943.

FRED W. SICK, City Clerk.

00299

The term 'capital outlays' as used in this section shall be construed to mean and be confined to permanent public improvements, including the reconstruction and replacement of existing public improvements, but shall not include, or take the place of, or be in lieu of:

- (a) Harbor improvements or developments provided for by Section 54 of Article V of this Charter;
- (b) Specific public improvements for which appropriations are made in the Annual Appropriation Ordinance;
- (c) Departmental outlay appropriations contained in the Annual Appropriation Ordinance.

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

<p><b>PROPOSITION NO. 5.</b> Amend Section 77 of the Charter of The City of San Diego.</p> <p>This amendment authorizes the creation and accumulation of a fund for capital outlays; empowers the City Council by a vote of not less than five of its members to raise by taxation in any fiscal year money for such fund, the amount raised being limited by the maximum tax rate of \$1.34 on each one hundred dollars of assessed valuation of the real and personal property within the City, established by Section 76 of the Charter; provides that no disbursements from said fund shall be made for any other purpose than capital outlays, unless another purpose is authorized by a vote of two-thirds of the electors of the City; defines the term "capital outlays" to mean and be confined to permanent public improvements, including the reconstruction and replacement of existing public improvements.</p>	YES	
	NO	

**PROPOSITION NO. 6.**

Amend Sections 157 and 158 of the Charter of The City of San Diego, so as to read as follows:

"Section 157. CONTRIBUTIONS TO FUND BY POLICE. The Auditor and Comptroller of The City of San Diego shall retain from the pay of each regular member or employee of the Police Department a sum equal to six per cent (6%) of the salary paid to said member or employee, and all fines imposed upon members of the Police Department in keeping with the rules and regulations of said Department, to be forthwith paid into said Police Relief and Pension Fund, and no other or further retention or reduction shall be made from such pay of any member or employee of the Police Department to said fund."

"Section 158. CONTRIBUTIONS TO FUND BY COUNCIL. The Council shall, for the purposes of said Police Relief and Pension Fund herein

provided for, except as hereinafter provided, direct the payment annually, from the General Fund of The City of San Diego, into the Police Relief and Pension Fund, of the following moneys:

- (a) One-third (1/3) of all rewards given or paid to members of the Police Department because of or in recognition of the performance of official duty.
- (b) One-third (1/3) of all fines collected in the Municipal Court of The City of San Diego for a violation of any law, except such fines as may be otherwise provided for under the laws of the State of California.
- (c) Five per cent (5%) of all revenues derived from licenses granted by The City of San Diego where said licenses are directly under the supervision of the Police Department.

(d) For the payment of a sum equal to all revenue paid into the Police Relief and Pension Fund by members or employees of the Police Department as provided for in Section 157 of this Article, said sum to be equal to the amount retained by the Auditor and Comptroller of The City of San Diego during the next preceding year; and all such further sum or sums as shall be required for maintenance of said Police Relief and Pension Fund."

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

<p><b>PROPOSITION NO. 6.</b> Amend Sections 157 and 158 of the Charter of The City of San Diego.</p> <p>The amendment to Section 157 simply increases the contributions made to the fund from the present rate of a sum equal to 4% of the pay of each regular member or employee of the Police Department to a sum equal to 6% of such pay.</p> <p>The amendment to Section 158 consists solely of the elimination of the second paragraph of Subdivision (d) of the section, which, as it now stands, provides that whenever the Police Relief and Pension Fund contains a sum of money amounting to one thousand dollars for each member of the Police Department, then all payments into the fund provided for in the section shall cease and shall be resumed only in the event that said fund shall be decreased below the amount specified.</p>	YES	
	NO	

**PROPOSITION NO. 7.**

Amend Section 197 of the Charter of The City of San Diego, so as to read as follows:

"Section 197. ALIEN LABOR ON PUBLIC WORKS PROHIBITED. No alien shall be employed upon the public works of the City, whether such work is done within or outside the limits of the City, and whether such work is done directly by the City or under contract or sub-contract or any other arrange-

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ment whatsoever, except in cases of extraordinary emergency caused by fire, flood, or danger to life or property, or except to work upon public military or naval defenses or works in time of war; provided, however, that within thirty days after any alien is permitted to work thereon due to such an extraordinary emergency, the contractor doing the work, or his duly authorized agent, shall file with the officer or public body awarding the contract a report, verified by his oath, setting forth the nature of the said emergency and containing the name of the said alien, and failure to file the said report within the said time shall be prima facie evidence that no such extraordinary emergency existed. If the work is being done directly by the City the officer directly in charge of the work shall file the said verified report covering any such extraordinary emergency with his superior officer or the officer or board which appointed him. The contractor to whom such contract is awarded shall forfeit as a penalty to the City ten dollars for each alien employed in the execution of said contract, or by virtue of the contract, by him, or by any subcontractor under him, upon any of the public works of the City, or upon any work herein mentioned, for each calendar day during which such alien is permitted or required to labor in violation of the provisions of this Section, and the said officer or public body awarding the contract shall cause to be inserted in the contract a provision to this effect. The term 'alien' as used herein shall mean any person who is not a born or fully naturalized citizen of the United States.

"Provided, however, anything to the contrary in this section notwithstanding, that during a period when the United States is engaged in war, and for six (6) months following the cessation of hostilities, the City Council may by ordinance adopted by a vote of five (5) of its members, authorize the employment upon the public works of the City, of the nationals of countries allied with the United States or with which the United States is at peace."

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

PROPOSITION NO. 7. Amend Section 197 of the Charter of The City of San Diego. This amendment consists in adding an additional paragraph to the Section which provides that during a period when the United States is engaged in war and for six (6) months following the cessation of hostilities the Council may, by ordinance adopted by a vote of five (5) of its members authorize the employment upon the public works of the City of the nationals of countries allied with the United States or with which the United States is at peace.	YES	
	NO	

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Propositions Nos. 1 and 2 that will appear on the ballot at the General Municipal Election, Tuesday, April 20, 1943, have to do with the conveyance and exchange of tidelands with the United States Government.

PROPOSITION NO. 3.

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

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

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

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

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

He shall apply, upon order of the Council, in the name of the City, to a court of competent jurisdiction for an order or injunction to restrain the misapplication of funds of the City or the abuse of corporate powers, or the execution or performance of any contract made in behalf of the City which may be in contravention of the law or ordinances governing it, or which was procured by fraud or corruption. He shall apply, upon order of the Council,

00300



to a court of competent jurisdiction for a writ of mandamus to compel the performance of duties of any officer or Commission which fails to perform any duty expressly enjoined by law or ordinance.

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

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

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

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

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

<p><b>PROPOSITION NO. 3.</b> Amend Section 40 of the Charter of The City of San Diego. This amendment provides that in the event of a vacancy occurring in the office of City Attorney, the City Council shall within thirty (30) days fill the vacancy. The person appointed by the Council shall hold office only until the next regular municipal election, at which time a person shall be elected for a full term of four years.</p>	YES	
	NO	

**PROPOSITION NO. 4.**

Amend the Charter of The City of San Diego by adding thereto a new section, to be numbered "Section 71a," to read as follows:

"Section 71a. REAPPROPRIATIONS AT BEGINNING OF FISCAL YEAR FOR SALARIES AND MAINTENANCE AND SUPPORT EXPENSES. If at the beginning of any fiscal year the appropriations necessary for the support of the various City offices, departments, services or institutions for such fiscal year shall not have been made, the several amounts appropriated in the Annual Appropriation Ordinance for the preceding year for the objects and purposes therein specified, so far as the same shall relate to salaries and wages and maintenance and support expenses, shall be deemed to be reapportioned for the several objects and purposes specified in said previous year's Annual Appropriation Ordinance until the Council shall adopt the Annual Appropriation Ordinance for the new fiscal year; and during such interim the Auditor and Comptroller shall approve the payments

necessary for the support of the various City offices, departments, services and institutions on the basis of the appropriations of the preceding fiscal year."

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

<p><b>PROPOSITION NO. 4.</b> Amend the Charter of The City of San Diego, by adding thereto a new section, to be numbered Section 71a. This amendment provides that at the beginning of each fiscal year the several amounts appropriated in the Annual Appropriation Ordinance for the preceding fiscal year, for salaries and wages and maintenance and support expenses, shall be deemed to be automatically reapportioned for the same purpose, until the Council shall adopt the Annual Appropriation Ordinance for the new fiscal year; and authorizes the Auditor and Comptroller during such interim to approve the payments necessary for the support of the various city offices, departments, services and institutions on the basis of the appropriations of the preceding fiscal year.</p>	YES	
	NO	

**PROPOSITION NO. 5.**

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

"Section 77. CAPITAL OUTLAYS FUND. Notwithstanding any provision contained in this Charter to the contrary, save and except the limitations imposed by Section 76 of this Article, the Council by a vote of not less than five (5) of its members shall have the power to levy and collect, or cause to be collected, assessments or taxes during any fiscal year, for the creation and accumulation of a fund for capital outlays, and subject to the limitations of said Section 76 of this Article.

From and after the creation of such a capital outlay fund all proceeds derived from the sale of any City-owned real estate shall be transferred to such fund.

Whenever such capital outlay fund is created, as herein provided, it shall remain inviolate for the making of any capital outlays, as the term 'capital outlays' is hereinafter defined, and no moneys shall be disbursed therefrom excepting for such a purpose and upon a vote of not less than five (5) members of the Council; provided, however, that the Council may at any time submit a proposition to the electors of the City to obtain the consent of said electors to the use of the moneys, or any portion thereof, in said fund for some other specific purpose. Such proposition may be submitted at any election. It shall require a two-thirds vote of all the voters voting upon such proposition to authorize the expenditure of the moneys in said fund, or any portion thereof, for such other purpose.