

Special Municipal Election

City of San Diego

November 7, 1950

(consolidated with statewide general election held on this date)

COMPILATION OF VOTES CAST ON THE TWO CHARTER AMENDMENTS SUBMITTED TO THE VOTERS AT THE MUNICIPAL SPECIAL ELECTION CONSOLIDATED WITH THE STATE AND COUNTY GENERAL ELECTION HELD NOVEMBER 7, 1950

COUNCIL DISTRICTS	FRANCHISES <i>amend sec. 105 E charter</i>		OFF STREET PARKING <i>add sec 90 1/2 F to charter</i>		REGISTRATION FOR NOV. 7, 1950
	YES	NO	YES	NO	
	1	12,405	5,076	6,658	12,069
2	10,907	4,175	5,998	10,254	29,147
3	10,918	5,728	4,685	13,803	29,086
4	11,562	5,843	5,151	13,923	29,512
5	8,990	5,179	5,396	10,032	29,605
6	10,017	4,517	5,677	10,237	29,634
	64,799	30,518	33,565	70,318	177,881
ABSENTEES	1,388	419	1,132	800	
TOTAL	66,187	30,937	34,697	71,118	177,881

OK

Failed

59.4% Vote Cast

TOTAL VOTE E 97,124
F 105,815

19A

00398

ORDINANCE NO. 4547
(NEW SERIES)

AN ORDINANCE OF THE CITY OF SAN DIEGO, CALIFORNIA, ORDERING, CALLING, PROVIDING FOR AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON TUESDAY, NOVEMBER 7, 1950, FOR THE PURPOSE OF PROPOSING AND SUBMITTING TO THE ELECTORS OF SAID CITY TWO PROPOSITIONS TO AMEND THE CHARTER OF THE CITY OF SAN DIEGO; AND CONSOLIDATING SAID SPECIAL MUNICIPAL ELECTION WITH THE GENERAL STATE ELECTION TO BE HELD IN SAID CITY ON SAID NOVEMBER 7, 1950.

BE IT ORDAINED By the Council of The City of San Diego, as follows: Section 1. There is hereby ordered, called and proclaimed a special municipal election to be held in The City of San Diego, California, on the 7th day of November, 1950; and pursuant to the provisions of Section Eight of Article Eleven of the Constitution of the State of California, the Council of The City of San Diego, being the legislative body thereof, hereby proposes and submits to the qualified voters of said City at said special municipal election the following propositions to amend the present Charter of said City:

PROPOSITION NO. 1

Amend Section 105 of the Charter of The City of San Diego to read as follows:

"Section 105. Plenary control over all primary and secondary uses of its streets and other public places is vested in the City. Franchises may be granted upon such terms, conditions, restrictions or limitations as may be prescribed by ordinance. Every ordinance granting a franchise shall provide that the grantee therein named, as consideration for such grant, shall pay compensation to the City in an amount and in the manner set forth in said ordinance."

PROPOSITION NO. 2

Amend the Charter of The City of San Diego by adding a new section thereto, to be numbered Section 90½, to read as follows:

"Section 90½. Notwithstanding

any of the provisions of this Charter to the contrary the Council of The City of San Diego shall have power to provide for the acquisition, construction and maintenance of public parking lots, garages or other automotive parking facilities, and to provide for the payment of the cost thereof by the issuance and sale of bonds or other securities payable in whole or in part from revenues of any such parking facilities, and also to pledge, place a charge upon, or otherwise make available as additional security for the payment of such securities, any or all revenues from any or all street parking meters then under the control, or to be acquired or controlled by said City. The Council shall exercise such power only by ordinance, after recommendation by the City Manager and a finding by such legislative body that there exists a need therefor.

In determining the need of different sections of the City for off-street parking facilities the Council may create such districts as are recommended by the City Manager and found by the Council to have need for off-street parking facilities, and in such cases the Council shall have power to provide that the bonds or securities, and the interest thereon, issued to pay the cost of the acquisition thereof shall be payable not only out of the revenues derived from the operation of the parking facilities thus acquired, but also from the revenues of such parking meters as are located and used in the districts found to have need for such parking facilities.

Any ordinance adopted under this section shall provide, in addition to other matters, that:

(1) A maturity date for the bonds or securities not to exceed forty (40) years from the date of the issuance shall be fixed.

(2) Each bond or security shall provide that the principal of such bond or security, together with the interest thereon, shall be payable only from the whole or part of the revenues derived either from the use of the parking facilities to be acquired with the proceeds of the sale of said bond or security, or from revenues derived from the use and operation of

such parking meters as are then located in or thereafter located in the district of the City served and particularly benefited by the parking facilities thus acquired, or both.

Each bond shall also recite, however, that accrued interest or premiums received upon the sale thereof, proceeds of the sale thereof to the extent necessary to pay interest during construction work of the parking facility to be acquired out of such proceeds, and proceeds of refunding bonds issued to refund any such bonds, may also be applied to the payment of, or interest on, any issue of such bonds, or of any premium upon the redemption of any issue of such bonds.

(3) Each bond or security authorized hereunder shall contain a clause to the effect that neither the principal nor interest thereon shall under any circumstances ever become an obligation chargeable or enforceable against any of the tax revenues of the City, or any other revenues of said City, except such revenues as are expressly specified in the bond or security for the payment of such bond or security, or the interest thereon.

Neither the provisions of this Charter that bonds issued hereunder shall be payable only out of specified parking facility revenues or parking meter revenues, or both, nor any recital in any such bond to that effect, shall preclude the application to the payment of the principal of, or interest on, any issue of such bonds, or of any premium upon the redemption of any thereof, of

(a) Accrued interest or premiums received upon the sale thereof;

(b) Proceeds of the sale thereof to the extent necessary to pay interest during construction of works constructed out of such proceeds; or

(c) Proceeds of refunding bonds issued to refund such bonds.

Any parking facility may be operated either through the making of a lease or leases to others, or directly by the City. No such lease shall be for a longer period than fifty (50) years. Every such lease shall require the property to be devoted primarily to the

maintenance of parking facilities, and such services as are incidental thereto, except that property acquired for future use for parking facilities may be temporarily devoted to, or leased for, other purposes, for such periods as may be consistent with its use for parking facilities when needed.

The Council may authorize the insertion of covenants or agreements in each bond or security providing for:

(a) The maintenance of adequate rates and charges;

(b) Limiting or prohibiting the issuance of other bonds payable in whole or in part out of the same revenues, or any part thereof;

(c) For the continuous operation and maintenance of facilities, and the prompt payment of all costs of operation and maintenance payable in whole or in part out of the same revenues, or any part thereof; and

(d) Such other covenants relating to such facilities, or for the preservation, maintenance, operation or use thereof as the Council may deem to be necessary or appropriate.

It shall be the duty of the City, its Council, and all of its officers, agents and employees, fully and faithfully to perform each and every covenant.

Nothing herein contained shall be construed to prohibit the City from using a part of the revenues of both parking facilities acquired hereunder or of parking meters for the operation and maintenance of said parking facilities and said parking meters.

The Council shall have full power and authority to provide for any and all things which it may deem necessary or proper to effectuate the intent of this section. Without limiting the generality of the foregoing, it shall have power

(a) To provide for any or all bonds issued under this section being subject to redemption at such times and upon the payment of such premiums as it may determine;

(b) To provide for the issuance of refunding bonds to refund any indebtedness incurred under this section, subject to the same provisions as in the case of other

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bonds, except as herein otherwise expressly provided;

(c) To provide for bonds authorized hereby being negotiable or non-negotiable; and

(d) To provide for the creation of reserve or other special funds or trust accounts to insure the payment of the principal and interest of any such bonds, or for any other purpose relating thereto.

The Council shall acquire, either by purchase or condemnation, upon recommendation of the City Manager, such sites for the location of said parking facilities as will best serve the traffic needs of the particular area of the City having need therefor.

No bond or security, or any interest payable thereon, issued under this section of the Charter shall ever under any circumstances create or impose any obligation upon the City itself, or the tax revenues of said City, or any revenue of the City other than the revenues which are herein authorized to be pledged to secure the payment of the principal and interest of the bonds or securities issued pursuant to this section of the Charter."

Section 2. That the polls for said election shall be opened at seven o'clock A. M. of the day of said election and shall remain open continuously from said time until seven o'clock P. M., of the same day when said polls shall be closed; provided, however, that if at the hour of closing there are any other voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote.

Section 3. That on the ballots to be used at said special municipal election, in addition to any other matters required by law, there shall be printed substantially the following, to-wit:

MARK CROSSES ON BALLOT ONLY WITH RUBBER STAMP; NEVER WITH PEN OR PENCIL. (ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL.)

INSTRUCTIONS TO VOTERS

To vote on any measure, stamp a cross in the voting square after the word "Yes" or after the word

"No." All marks, except the cross are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another.

On absent voter's ballots mark a cross with pen or pencil.

<p>PROPOSITION NO. 1. Amend Section 105 of the Charter of The City of San Diego.</p>		
<p>This amendment deletes obsolete provisions of the Charter relating to street railway franchises, and gives the Council control over primary and secondary uses of streets and public places with authority to grant franchises on such terms and conditions and for such consideration as the Council shall determine by ordinances.</p>	YES	
<p>PROPOSITION NO. 2. Amend the Charter of The City of San Diego by adding a new section thereto, numbered Section 90½.</p>		
<p>This amendment authorizes the Council by ordinance to acquire off-street parking facilities and issue revenue bonds secured by receipts of the parking facilities and receipts from parking meters.</p>	NO	

A cross placed in the voting square after the word "Yes" in the manner hereinbefore provided shall be counted in favor of the adoption of the proposition. A cross placed in the voting square after the word "No," in the manner hereinbefore provided shall be counted against the adoption of the proposition.

That said proposition shall be designated on the ballot by a letter printed on the left margin of the square containing the description of the measure, as provided in Section 3831 of the Elections Code of the State of California.

Section 4. That the special municipal election hereby called to be