

EXHIBIT A

**The Comprehensive Pension Reform
(CPR) Initiative for San Diego**

RECEIVED
CITY CLERK'S OFFICE
11 APR 4 PM 4:15

April 4, 2011

SAN DIEGO, CALIF.

Elizabeth Maland, City Clerk
City of San Diego
202 "C" Street 2nd Floor
San Diego, CA 92101

Re: Notice of Intent to Circulate - Request for Title and Summary

Dear Ms. Maland,

We hereby give notice of our intention to circulate a petition within the City of San Diego for the purpose of amending the Charter of the City of San Diego.

Attached please find the complete text of the petition and the associated text of the Charter Amendment entitled "**Comprehensive Pension Reform Initiative for San Diego.**"

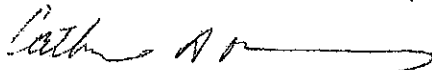
We request that the City Attorney prepare a "Title and Summary" for the petition pursuant to California Election Code 9255, 9256, 9202 and 9203, so that we may complete publication and begin circulation.

We also request the total number of valid signatures that will be required to be submitted by our coalition to ensure this measure is placed on the June 2012 city ballot.

Please send all correspondence to:

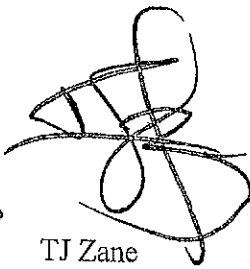
April Boling
San Diegans for Comprehensive Pension Reform
7185 Navajo Road San Diego, Suite P
San Diego, CA 92119

Sincerely,




Catherine A Boling
7947 Hemingway Avenue
San Diego, CA 92120

9469



TJ Zane
9569 Fairgrove Lane, #303
San Diego, CA 92129

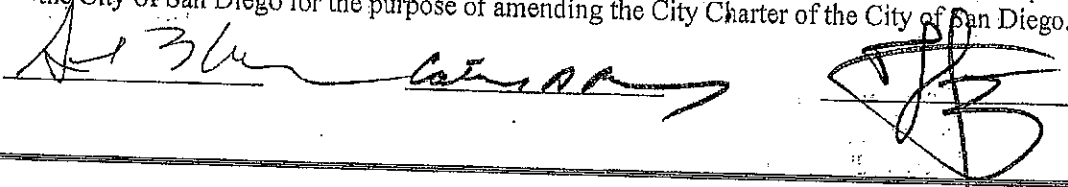


Stephen B. Williams
6015 Visto de la
Mesa
La Jolla, CA

92037

NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of San Diego for the purpose of amending the City Charter of the City of San Diego.



Initiative Measure to Be Submitted Directly to Voters

Petition for Submission to Voters of Proposed Amendment to the Charter of the City of San Diego:

To the City Council of the City of San Diego:

We, the undersigned, registered and qualified voters of the State of California, residents of the City of San Diego, pursuant to Section 3 of Article XI of the California Constitution and Chapter 2 (commencing with Section 34450) of Part 1 of Division 2 of Title 4 of the Government Code, present to the City Council of the City of San Diego this petition and request that the following proposed amendment to the Charter of the City of San Diego be submitted to the registered and qualified voters of the City for their adoption or rejection at an election on a date to be determined by the City Council.

The proposed Charter Amendment reads as follows:

**(SPACE TO INSERT CITY ATTORNEY
TITLE AND SUMMARY)**

RECEIVED
CITY CLERK'S OFFICE
11 APR -4 PM 4:45
SAN DIEGO, CALIF.

I, Elizabeth S. Maland, Clerk of the City of San Diego, California, hereby certify that this is a true copy of papers on file and of record in the office of the Clerk of said city.

ELIZABETH S. MALAND, City Clerk

By Bhionna Tetom, Deputy

Dated 3-12-12

PROPOSITION – CHARTER AMENDMENT

Comprehensive Pension Reform for San Diego

Section 1. PREAMBLE

WE THE PEOPLE of the City of San Diego declare our intent to restore financial stability to city government both in the immediate term and long term, and to return our community to the historic principles of self-governance inherent in the doctrine of home-rule. Sincerely committed to the belief that local government has the closest affinity to the people governed and firm in the conviction that the economic and fiscal independence of our local government, as well as the exercise of the people's right to impose limitations on their local government, will better serve and promote the health, safety and welfare of all of the citizens of this City, we do hereby exercise the express right granted by the Constitution of the State of California to enact and adopt this amendment of the Charter for the City of San Diego.

Section 2. FINDINGS

- a) Using the power vested in the Citizens of San Diego by the California Constitution, including Article XI, Section 5(b) of the California Constitution, as well as the Charter of the City of San Diego, this Charter amendment to address an immediate fiscal emergency to control long-term employee pension benefit costs.
- b) The cost of City pensions has become unsustainable and the Citizens find that the City faces a financial emergency that requires immediate controls on pension costs and long-term reforms of pension benefits.
- c) The Citizens are concerned with abusive and wasteful pension payouts to individual city employees. As such, the Citizens of the City of San Diego desire pension reform that addresses individual pension liabilities and reduces collective costs to taxpayers.
- d) The enactment of this Charter amendment is intended to limit the impacts City budgetary decisions have on pension liabilities in the immediate term and the long term as a way to prevent further cuts in important neighborhood services that are mandated by the Charter.
- e) In 1996 and 2002, the San Diego City Council retroactively increased pension benefits for city employees under the defined benefit plan, without identifying adequate funds to cover the cost of those benefits in the future.

- f) As a result of the increased pension benefits and past decisions to improperly fund the pension system, the city's pension fund currently has an unfunded liability of over \$2 billion.
- g) The City's Annual Required Contribution to the defined benefit pension fund has increased dramatically over the last several years, from \$137.6 million in Fiscal Year 2006, to \$231.3 million for Fiscal Year 2012, and is projected to increase to approaching \$500 million by Fiscal Year 2025.
- h) This Charter amendment protects the existing rights of City employees and City retirees while curbing the future costs of employee benefits and retirement costs, thereby allowing San Diego to provide services to the public in a more efficient manner.
- i) The Citizens seek to limit "pension spiking" by city employees where life-long pensions are calculated using not just base salaries, but a multitude of specialty pays, add-on pays, and other forms of compensation.
- j) Retirement benefits for city employees should be no better than, and no worse than, retirement benefits paid in the non-profit and private sectors locally in San Diego. As such, the Citizens desire that the city transition to a defined contribution retirement program modeled after 401(k) programs.
- k) City employees should be paying their full and fair share of all costs of pensions. The Citizens desire to achieve an equal, dollar-for-dollar split between taxpayers and city employees for the costs of city pensions.

Section 3. Article VII (Finance) of the San Diego City Charter is hereby amended to add the following sections:

Section 70.1: Reforming Base Compensation Used to Establish Pension Benefits

"Base Compensation for Calculation of Pension Benefits" or "Base Compensation" shall be defined for this Section and for Section 70.2 as the total amount of annual compensation received by an individual City officer or employee for years of service after the implementation of this section that is used by the Retirement System for the purpose of calculating an individual's benefits under a Defined Benefit Pension Plan as defined in Section 140 of this Charter.

By January 1, 2013 and to the extent allowed by law, including the legal effect of existing Memorandums of Understanding as of the effective date of this section, no Earning Codes Included in Retirement Base Compensation in any Annual Salary Ordinance shall include any pay components that may be excluded pursuant to any judicially approved legal settlement from the calculation of Base Compensation for Calculation of Pension Benefits.

This Section shall apply prospectively. Nothing in this section shall be interpreted to limit the ability of the City to offer additional compensation for City officers and employees beyond Base Compensation, provided however that such compensation shall not be included in the calculation of Base Compensation. Employees determined to be performing work outside of their job classification may have their "out of class" pay included in the calculation of Base Compensation. Furthermore, nothing herein is intended to prohibit or limit the City Council from having its representatives meet and confer with Recognized Employee Organizations or Bargaining Groups as required by applicable labor relations laws to implement this Section.

Section 70.2: Emergency Limitations on Base Compensation for Calculation of Pension Benefits (July 1, 2012 to June 30, 2018)

From the effective date of this Section until June 30, 2018, in the City's initial bargaining position in negotiations on any Memorandum of Understanding with recognized employee organizations or bargaining groups, the City shall propose terms that are consistent with the following requirements and shall work to achieve the following outcomes:

- a) No Base Compensation for any classification shall be set at an amount higher than the base compensation for that classification established in Ordinance No. 0-19952, adopted on May 4, 2010, ("2011 Fiscal Year Salary Ordinance").
- b) The Earning Codes Included in Retirement Base Compensation, as adopted in Ordinance No. 0-19952, shall not be amended to add any new types of compensation to the Base Compensation for the Calculation of Pension Benefits during the effective period of this section.
- c) Any new job classification may only be created, during the effective period of this Section, with specific findings that the creation of the new classification is necessary to achieve efficiencies and/or salary savings by consolidation job duties or the creation of a more efficient service delivery method to the public. No base compensation for any new job classification created during the effective period of this section shall be set at an amount higher than the base compensation for that classification during the Fiscal Year in which it was established.
- d) No other forms of compensation shall be provided or increased for any applicable fiscal year that has the effect of increasing Base Compensation as defined under this Section and Section 70.1, above, of this Charter.

City bargaining representatives may be authorized to negotiate tentative agreements with employee organizations incorporating changes in employee compensation and other employee benefits provided, however, that no provision of a tentative agreement that fails to meet the conditions established in (a)-(d), above, shall

become effective unless and until it is approved by a two-thirds majority of the full City Council.

From the effective date of this Section until June 30, 2018, prior to any City Council action that establishes the initial bargaining position of the City to meet and confer with recognized employee organizations or bargaining groups which include increases to salaries and benefits for any City officer or employee, in any proposed Memorandum of Understanding or other agreement, the Retirement System shall prepare and submit to the Mayor and City Council an actuarial study that identifies and discloses the impact on the City's Defined Benefit Pension Plan of any increases in proposed compensation or benefits contained in the initial Council proposal, and certifies whether the proposed action increases the average or mean Base Compensation for any job classification. Prior to any submission of a tentative agreement with any recognized employee organization or bargaining group to the City Council for approval of a Memorandum of Understanding, the City shall refer the tentative agreement to the Retirement System's Actuary to update the actuarial study to include any additional fiscal impacts of the tentative agreement. Such analysis shall be made readily available to the public ten days prior to any final action taken by the Council.

Nothing in this section shall be interpreted to limit the ability of the City to offer additional compensation for City officers and employees during the effective period of this section, provided however that such compensation shall not have the effect of increasing the Base Compensation for Establishment of Pension Benefits for that City officer or employee without complying with the requirements of this section.

Nothing in this section shall be interpreted to limit the ability of the City to exercise authority under Charter Section 124 (Promotions). This section shall be implemented in a manner consistent with the requirements of any applicable labor relations laws. This Charter Section 70.2 shall be automatically repealed and removed from this Charter on July 1, 2018, unless extended, modified or repealed by a vote of the People.

Section 4. The San Diego City Charter is hereby amended to add the following sections to Article IX (Retirement):

**Section 140: Establishment of Separate Retirement Pension Systems;
Definitions**

As of the election at which this Section becomes operative, the electorate of the City of San Diego has found and declared that the fiscal best interests of the City are served by reforming the retirement system authorized by this Charter to be established for City employees.

"Defined Benefit Pension Plan" or "Defined Benefit Pension System" is a system or plan to provide a specified allowance to a city retiree or a retiree's spouse after

retirement that is based on a set formula based on factors such as age, years of service, and elements of compensation as established in this Article.

The Defined Benefit Pension Plan in place prior to said election, established by the City Council pursuant to Sections 141 through 149 of this Charter, may remain in place until, for any reason, there remain no participants in the Defined Benefit Plan. The City Council may by ordinance utilize any lawful means for terminating the Defined Benefit Plan. Any closure of the Defined Benefit Plan shall be designed and implemented to protect the employees' vested rights in the Defined Benefit Plan, generate cost savings for taxpayers, and ensure compliance with applicable laws and regulations, including tax regulations.

At such time as there remain no participants in the Defined Benefit Pension Plan, the City shall take such actions as are necessary and appropriate to promptly wind down and terminate the Defined Benefit Pension Plan.

Notwithstanding the foregoing, and except as expressly provided in this Article IX, all Officers and employees, with the exception of sworn police officers, who are initially hired or assume office on or after the effective date of this Section shall participate only in such Defined Contribution Plans as authorized by Sections 150 and 151 of this Charter.

The provisions of Sections 141 through 149 shall apply only to the Defined Benefit Plan, and those City employees eligible to participate in the Defined Benefit Plan. The provisions of Sections 150 and 151 shall apply only to the Defined Contribution Plan, and those City employees eligible to participate in the Defined Contribution Plan, except as expressly stated.

Notwithstanding the foregoing, and except as provided in this Article IX, the City Council is hereby authorized and empowered by ordinance to enroll sworn police officers hired after the effective date of this section in either the Defined Benefit Plan or the Defined Contribution Plan. This section shall be implemented in a manner consistent with the requirements of applicable labor relations laws.

Section 141.1 Reform of Sworn Police Officer Defined Benefit Pension Plan

Notwithstanding any other provision of this Charter, or any ordinance or other action taken pursuant hereto, the maximum amount of retirement benefit payable to a sworn police officer, who is hired after the effective date of this section and who is a participant under the Defined Benefit Pension Plan, shall be an amount equivalent to 80% at age 55 of the average of the participant's highest consecutive 36 months of Base Compensation as defined by Section 70.1. The maximum set by this provision shall decrease by 3% (three percentage points) for each year that such participant retires before age 55.

Section 141.2: Full and Fair Employee Contributions for the Defined Benefit Pension Plan.

For officers and employees who have the legal right to remain in the established Defined Benefit Pension Plan, the City shall contribute annually an amount substantially equal to that required of the employee for a normal retirement allowance, as certified by the Actuary established in Charter Section 142, but shall not contribute in excess of that amount, except in the case of financial liabilities accruing under any new retirement plan or revised retirement plan because of past service of the employee. The City shall not pay, cap the employee contribution rate, or otherwise compensate for any portion of a contribution to the Retirement System by a City Officer or employee.

To the fullest extent permissible by law, in calculating annual contributions for the City and city employees, the Retirement Board shall divide equally between those two parties all costs except those costs explicitly and exclusively reserved to the City in this Section and Section 143. Contributions shall also be governed by Section 143 of this Article. In the event of a conflict between this Section and Section 143, this Section shall prevail. This section is not intended to interfere with vested defined rights of any retiree receiving benefits from the Defined Benefit Retirement System or of any employee enrolled in the Defined Benefit Retirement System as of the effective date of this section.

Nothing contained in this Section shall preclude the City from entering into a settlement of *City of San Diego v. San Diego City Employees' Retirement System* Case No. #37-2010-00091207-CU-WM-CTL to define responsibilities of the City and employees for unfunded liabilities of the Retirement System even if the settlement includes terms that might otherwise conflict with the above restrictions, as long as the settlement is approved by the court as a good faith settlement and approved by a two-thirds vote of the City Council.

Section 141.3 Elimination of Pension Benefit for Felony Convictions

On or before July 1, 2013 and subject to meet and confer requirements with recognized employee organizations or bargaining groups, the City Council shall adopt an ordinance to implement this section that eliminates, to the extent permitted by law, the Defined Pension Benefit Plan for any individual City Officer or employee who is convicted of a felony, as defined in California Government Code Section 1770(h), as amended, related to their employment, duties, or obligations as a City officer or employee. The City Council shall have the authority to reinstate benefits upon a finding that the felony conviction was overturned on appeal.

Section 141.4 Transparency and Public Disclosure of City Pension Payouts

Within 30 days of the start of each calendar year, the City shall post online a listing of the total amount paid to each individual city retiree for the preceding calendar year from assets held by or managed by the Retirement System. The City shall redact the name of each individual, but shall provide the final classification held by each individual

and the number of creditable years of service worked by the individual. This section shall be implemented in a manner that protects the privacy rights of officers and employees to the extent required by law and consistent with applicable labor relations laws.

Section: 150: Creation of a Defined Contribution Plan.

In order to implement the requirements of Section 140, the City Council is hereby authorized to establish by ordinance a Defined Contribution Plan consistent with this Article. This Plan shall meet the legal requirements established under the United States Internal Revenue Code in order to allow the City to retain its Social Security Safe Harbor Status, under the Internal Revenue Code, as amended, unless the City enrolls in the Social Security System under the restrictions established hereunder. Any ordinance adopted under this section shall take effect immediately if the City Council finds that the Ordinance must take immediate effect to meet a legal deadline for compliance with this Charter or any other law or regulation.

The City shall not contribute in excess of 9.2% of an Officer's or employee's compensation, as required by the Internal Revenue Code as amended, to defined contribution retirement accounts for that individual officer or employee. For a Uniformed Public Safety Officer, the City may contribute up to 11% of that Officer's or employee's compensation to his or her defined contribution retirement account. The City may elect to re-enroll in the Social Security System, provided that the City's total cost for retirement benefits do not exceed 9.2% for each Officer's or employee's compensation, or 11% for Uniformed Public Safety Officers.

To the extent allowed by law, the City may offer plans that allow employees to convert their defined contribution retirement account into an annuity or other City Council approved investment instrument as of their date of retirement. No conversion under this section shall require the City to contribute additional funds to convert the defined contribution retirement account to another approved investment instrument.

Years of service accrued by an Officer or employee participating in the Defined Contribution Plan shall not be credited towards vesting or calculation of years of service in the City's Defined Benefit Plan.

Subject to compliance with applicable laws and regulations, for any individual city employee where the City can demonstrate that cost savings can be achieved, the City shall create a mechanism by which an employee currently enrolled in the Defined Benefit Pension Plan pursuant to Sections 141 through 149 may switch on a prospective basis to the Defined Contribution Plan created in this Section.

The implementation of this section shall be subject to the requirements of applicable law including, but not limited to, applicable labor relations laws and the requirements of the Internal Revenue Code, as amended.

For the purposes of Section 150 and 151, "Uniformed Public Safety Officer" shall have the same meaning as "Safety Member" as defined in Section 24.0103 in the Municipal Code as of January 1, 2011.

Section 151: Disability and Death Benefits For Defined Contribution Plan Members.

For officers and employees enrolled in the Defined Contribution Plan, the City may provide for disability benefits to support an employee who has become physically or mentally disabled by reason of bodily injury or illness caused actions related to the discharge of their duties. Any benefits authorized hereunder may be in addition to any state or federal benefits required by law applicable to a Charter City.

For Uniformed Public Safety Officers, the City shall provide death and disability benefits for officers who are killed or injured in the line of duty. The City may provide greater death or disability benefits than those required by law applicable to Charter Cities.

Section 5. Article IX (Retirement) Section 143.1 of the San Diego City Charter is hereby amended as follows:

- a) No ordinance amending the retirement system which affects the benefits of any employee under such retirement system shall be adopted without the approval of a majority vote of the members of said system. No ordinance amending the retirement system which increases the benefits of any employee, legislative officer or elected official under such retirement system, with the exception of Cost of Living Adjustments, shall be adopted without the approval of a majority of those qualified electors voting on the matter. No ordinance amending the retirement system which affects the vested defined benefits of any retiree of such retirement system shall be adopted without the approval of a majority vote of the affected retirees of said retirement system.

To the extent allowed by law, the requirement for a majority vote of employees and the requirement for a majority vote of retirees for adoption of an ordinance as described in this section shall sunset and be deemed unenforceable as of the effective date of this section. Unless required under a preexisting Memorandum of Understanding as of the effective date of this article, any city employee hired after September 1, 2012 shall not have a right to vote in any vote required under this Section.

Section 6. EFFECTIVE DATE

This Charter amendment shall become effective in the manner allowed by law. This Charter amendment addresses the subject of public employee compensation and benefits under the plenary authority granted to the Citizens of San Diego by Article XI, Section 5(b) of the California Constitution. As specified herein, the implementation of

various provisions may be delayed in their implementation pursuant to provisions of any Memorandum of Understanding in effect on the effective date of this Charter amendment. Nothing herein is intended to remove legally established rights held by any officer or employee held by virtue of their employment status before the effective date of this Charter Amendment.

Section 7. SEVERABILITY

It is the intent of the People that the provisions of this Charter amendment are severable and that if any section or provision of this act or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect any other provision or application of this Charter amendment which can be given effect without the invalid provision or application.

Section 8. LIBERAL CONSTRUCTION

The provisions of this act shall be liberally construed in order to effectuate its purposes.

Section 9. CONFLICTING BALLOT MEASURES

In the event that this measure and another measure or measures relating to the establishment of compensation and benefit levels of City officer and employees, or both, appear on the same city-wide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail over conflicting provisions in any other measure, and the conflicting provisions of the other measure shall be null and void.

EXHIBIT B



THE CITY OF SAN DIEGO

April 29, 2011

April Boling
San Diegans for Comprehensive Pension Reform
7185 Navajo Road San Diego, Suite P
San Diego, CA 92119

Dear Ms. Boling:

This letter supersedes the letter my office sent to you dated April 19, 2011, which was accompanied by the title and summary for the City of San Diego Charter Amendment Initiative Measure relating to City pensions that was prepared by the City Attorney. Your original title for the initiative was "Comprehensive Pension Reform Initiative for San Diego."

Sections 9256 and 9205 of the Elections Code require that before circulating petitions for a Charter Amendment initiative measure, you publish the notice of intention, and the title and summary prepared by the City Attorney. Publication must be in a newspaper of general circulation. Once published, you can begin circulating petitions immediately.

Please remember that within 10 days after the date of publication you must file with the City Clerk a copy of the Notice and Title and Summary as published, with an affidavit made by a representative of the newspaper in which the notice was published.

For the specific form and content of the petition, please review Sections 9203(b) and 9256 through 9263 of the Elections Code. These sections require that the petition contain the following:

- 1. Notice of Intention
2. Title and summary prepared by the City Attorney;
3. Initiative Language;
4. Signature pages; and
5. Affidavit of circulator.

Section 9203(b) of the Code requires that the ballot title prepared by the City Attorney be placed "upon each section of the petition, above the text of the proposed measure and across the top of each page of the petition on which signatures are to appear, in roman boldface type not smaller than 12-point..." Section 9257 specifies that the full text of the proposed amendment will be in "no less than 10-point type."

The Charter amendment petition must be filed in my office within 180 days from April 19. The filing deadline is October 16, 2011. The petition must contain the valid signatures of at least 94,346 City of San Diego voters to qualify this measure for direct submittal to the voters.

Should you have questions, please contact Bonnie Stone of my staff at (619) 533-4060.

Best regards,

Handwritten signature of Elizabeth Maland

Elizabeth Maland
City Clerk

I, Elizabeth S. Maland, Clerk of the City of San Diego, California, hereby certify that this is a true copy of papers on file and of record in the office of the Clerk of said city.

ELIZABETH S. MALAND, City Clerk
By Brianna Tetum, Deputy

Dated 3-12-12



EXHIBIT C

September 30, 2011

I, Elizabeth S. Maland, Clerk of the City of San Diego, California, hereby certify that this is a true copy of papers on file and of record in the office of the Clerk of said city.

RECEIVED
CLERK'S OFFICE
11 SEP 30 AM 8:50
SAN DIEGO, CALIF.

Elizabeth Maland, City Clerk
City of San Diego
202 "C" Street, 2nd Floor
San Diego, CA 92101

ELIZABETH S. MALAND, City Clerk

By Brianna Tatum, Deputy

Dated 3-12-12

Re: Submission of the "Comprehensive Pension Reform" Charter Amendment Petition for Purposes of Qualification for the June 2012 Ballot

Dear Ms. Maland,

TJ Zane and John Hoy, authorized representatives of the proponents of the Comprehensive Pension Reform Charter Amendment Petition, do hereby officially submit to you this petition for your review and certification of sufficiency under the People's Constitutionally-protected right to use the Initiative process to amend the Charter of the City of San Diego.

Enclosed in the boxes that accompany this transmittal letter are the following:

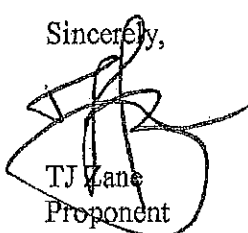
- 20,765 individual sections of the petition
- 145,027 raw signatures of registered voters
- 10 "blank" petitions for your use in conducting the validity check

Our campaign has been conducting a full count and verification process internally to ensure the quality of this submission – a process that included detecting and eliminating duplicate signatures, eliminating signatures that are invalid prima facie, and checking all signatures against current voter data.

We hereby request that in accordance with applicable law you verify the petition signatures and report the results to the Mayor, City Council and listed proponents of the petition at the earliest possible date.

Please notify us immediately if you have any other needs to assist in the processing of the petition as time is of the essence.

Sincerely,


TJ Zane
Proponent


John Hoy
Authorized Representative of Proponents

RECEIVED
CLERK'S OFFICE

11 SEP 30 AM 8:50

SAN DIEGO, CALIF.

September 29, 2011

Elizabeth Maland, City Clerk
City of San Diego
202 "C" Street, 2nd Floor
San Diego, CA92101

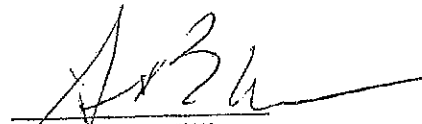
Dear Ms. Maland:

Pursuant to California Elections Code section 9265, as the proponents for the Comprehensive Pension Reform charter amendment petition, we hereby authorize either TJ Zane or John Hoy as our agents for the purpose of turning in the petition to your office.

Sincerely,


Catherine A. Boling


TJ Zane


Stephen B. Williams

I, Elizabeth S. Maland, Clerk of the City of San Diego, California, hereby certify that this is a true copy of papers on file and of record in the office of the Clerk of said city.

ELIZABETH S. MALAND, City Clerk
By Brianne Tatum, Deputy

Dated 3-12-12

EXHIBIT D



County of San Diego

REGISTRAR OF VOTERS
5201 Ruffin Road, Suite I, San Diego, California 92123-1693

DEBORAH SEILER
Registrar of Voters

MICHAEL VU
Assistant Registrar

Office: (858) 565-5800
Fax: (858) 694-2955
TDD: (858) 694-3441
Toll Free: (800) 696-0136

November 8, 2011

Elizabeth Maland, City Clerk
City of San Diego
202 C Street
San Diego, CA 92101

RECEIVED
CLERK'S OFFICE
11 NOV 18 2011 1:53
SAN DIEGO, CALIF.

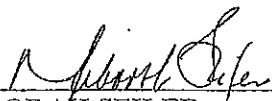
Re: City of San Diego Pension Charter Amendment Petition

The "AMENDMENTS TO THE SAN DIEGO CITY CHARTER AFFECTING RETIREMENT BENEFITS" was filed with the Registrar of Voters on September 30, 2011. As directed by your office, the Registrar of Voters conducted a verification of 3 percent of the signatures selected at random from the petition in accordance with California Elections Code Section 9115. Based on the results of the random sample, the number of projected valid signatures on the initiative petition is 115,991. This number is above 110% of the valid signatures required for qualification and, therefore, the petition is determined to be **SUFFICIENT**.

CERTIFICATION OF RESULTS:

- Number of sections submitted 20,493
- Number of signatures submitted 144,908
- Number of signatures verified (3% of 144,908) 4,347
- Number of signatures found not to be valid (includes 4 duplicates). 738
- Number of signatures found to be valid 3,609
- Number of signatures required for qualification 94,346
- Number of projected valid signatures 115,991

If you have questions, please contact me at (858) 694-3401.


DEBORAH SEILER
Registrar of Voters

I, Elizabeth S. Maland, Clerk of the City of San Diego, California, hereby certify that this is a true copy of papers on file and of record in the office of the Clerk of said city.

ELIZABETH S. MALAND, City Clerk
By Brianna Istum, Deputy
Dated 3-12-12

Please refer to the following Government Code regarding petitions.

6253.5. Notwithstanding Sections 6252 and 6253, statewide, county, city, and district initiative, referendum, and recall petitions, petitions circulated pursuant to Section 5091 of the Education Code, petitions for the reorganization of school districts submitted pursuant to Article 1 (commencing with Section 35700) of Chapter 4 of Part 21 of the Education Code, petitions for the reorganization of community college districts submitted pursuant to Part 46 (commencing with Section 74000) of the Education Code and all memoranda prepared by the county elections officials in the examination of the petitions indicating which registered voters have signed particular petitions shall not be deemed to be public records and shall not be open to inspection except by the public officer or public employees who have the duty of receiving, examining or preserving the petitions or who are responsible for the preparation of that memoranda and, if the petition is found to be insufficient, by the proponents of the petition and the representatives of the proponents as may be designated by the proponents in writing in order to determine which signatures were disqualified and the reasons therefor. However, the Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, a school district or a community college district attorney, and a city attorney shall be permitted to examine the material upon approval of the appropriate superior court.

If the proponents of a petition are permitted to examine the petition and memoranda, the examination shall commence not later than 21 days after certification of insufficiency.

(a) As used in this section, "petition" shall mean any petition to which a registered voter has affixed his or her signature.

(b) As used in this section "proponents of the petition" means the following:

(1) For statewide initiative and referendum measures, the person or persons who submit a draft of a petition proposing the measure to the Attorney General with a request that he or she prepare a title and summary of the chief purpose and points of the proposed measure.

(2) For other initiative and referenda on measures, the person or persons who publish a notice of intention to circulate petitions, or, where publication is not required, who file petitions with the elections official.

(3) For recall measures, the person or persons defined in Section 343 of the Elections Code.

(4) For petitions circulated pursuant to Section 5091 of the Education Code, the person or persons having charge of the petition who submit the petition to the county superintendent of schools.

(5) For petitions circulated pursuant to Article 1 (commencing with Section 35700) of Chapter 4 of Part 21 of the Education Code, the person or persons designated as chief petitioners under Section 35701 of the Education Code.

(6) For petitions circulated pursuant to Part 46 (commencing with Section 74000) of the Education Code, the person or persons designated as chief petitioners under Sections 74102, 74133, and 74152 of the Education Code.

to the...
...
...
...

...
...
...
...



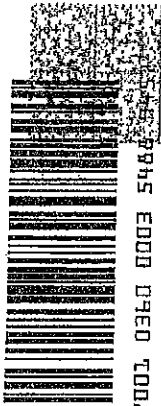
REGISTER AND

VOTE

SAN DIEGO, CALIF. NOV 18 PM 11

REGISTRAR OF VOTERS
P.O. BOX 85656
5201 RUFFIN RD STE I
SAN DIEGO, CA 92186-5656

CERTIFIED MAIL



7001 0360 8003 5464

016426515311
\$05.230
PAID PER
POSTAGE
US POSTAGE



LIZ MALAND, CITY CLERK
CITY OF SAN DIEGO
202 C STREET
SAN DIEGO CA 92101-4806

EXHIBIT E

201
12/05

RESOLUTION NUMBER R- 307155

DATE OF FINAL PASSAGE DEC 06 2011

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING AN INTENTION TO SUBMIT TO THE VOTERS A CHARTER AMENDMENT MEASURE TITLED "AMENDMENTS TO THE SAN DIEGO CITY CHARTER AFFECTING RETIREMENT BENEFITS" AND DIRECTING THE CITY ATTORNEY TO PREPARE AN ORDINANCE CALLING A SPECIAL ELECTION TO PLACE THE MEASURE ON THE BALLOT.

WHEREAS, on September 30, 2011, proponents timely filed with the City Clerk's Office a Charter amendment petition pertaining to retirement benefits, titled "Amendments to the San Diego City Charter Affecting Retirement Benefits"; and

WHEREAS, California Elections Code section 9255 states that a proposal to amend or repeal a City Charter must be signed by 15 percent of the registered voters of the City in order to be submitted to the voters for consideration; and

WHEREAS, on November 8, 2011, the San Diego County Registrar of Voters (Registrar) completed its verification of the petition signatures, and formally certified that the petitions contain the valid signatures of over 15 percent of the City's registered voters, according to the Registrar's last official report of registration to the Secretary of State; and

WHEREAS, the San Diego City Clerk has presented the petition and a certification of the sufficiency of its signatures to the City Council; and

WHEREAS, California Elections Code section 9255 requires the City Council to place a qualified Charter amendment petition on the ballot, stating that "... city or city and county charter proposals shall be submitted to the voters at either a special election called for that purpose, at any established municipal election date, or at any established election date. . . provided that there are at least 88 days before the election . . ."; and

WHEREAS, the Council now confirms it will place the matter on the ballot by taking action to: (1) adopt a resolution of intention to submit the matter to the voters at a special election, and (2) direct the City Attorney to prepare an ordinance calling a special election to place the matter on the ballot; and

WHEREAS, the special election for a Charter amendment petition may be consolidated with the next Citywide Primary Election; and

WHEREAS, the Council will hold another hearing to call the June 5, 2012 primary election, and at that time will be asked to adopt an ordinance to place this Charter amendment petition on that ballot; and

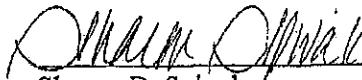
WHEREAS, Charter amendments are governed by the California Constitution, article XI, section 3, and California Elections Code section 9255, and this resolution of intention to submit a Charter amendment measure to the voters is thus not subject to veto by the Mayor; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the Council declares its intention to submit the Charter amendment petition titled "Amendments to the San Diego City Charter Affecting Retirement Benefits" to the voters at a special election to be held at the same time as the next Citywide Primary Election on June 5, 2012; and

2. That the Council directs the City Attorney to prepare an ordinance calling a special election to place the matter on the ballot, and to consolidate this election with the next Citywide Primary Election on June 5, 2012.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Sharon B. Spivak
Deputy City Attorney

SBS:jdf
11/17/11
Or.Dept:City Clerk
Doc. No.: 279797

I, Elizabeth S. Maland, Clerk of the City of San Diego, California, hereby certify that this is a true copy of papers on file and of record in the office of the Clerk of said city.

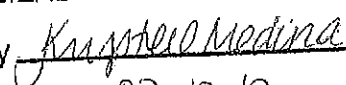
ELIZABETH S. MALAND, City Clerk
By , Deputy
Dated 02-13-12

EXHIBIT F

202A
1/30/12

ORDINANCE NUMBER O-20127 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 30 2012

AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO AT THE MUNICIPAL SPECIAL ELECTION CONSOLIDATED WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON JUNE 5, 2012, ONE PROPOSITION AMENDING THE SAN DIEGO CHARTER BY AMENDING ARTICLE VII TO ADD SECTIONS 70.1 AND 70.2; AMENDING ARTICLE IX TO ADD SECTIONS 140, 141.1, 141.2, 141.3, 141.4, 150 AND 151; AND AMENDING ARTICLE IX TO AMEND SECTION 143.1, ALL RELATING TO RETIREMENT BENEFITS.

WHEREAS, on September 30, 2011, proponents timely filed with the City Clerk's Office a petition to amend the San Diego City Charter by amending Article VII to add sections 70.1 and 70.2; amending Article IX to add sections 140, 141.1, 141.2, 141.3, 141.4, 150 and 151; and amending Article IX to amend section 143.1, all relating to retirement benefits; and

WHEREAS, Charter amendments are governed by the California Constitution, article XI, section 3, and California Elections Code section 9255; and

WHEREAS, California Elections Code section 9255 states that a proposal to amend or repeal a City Charter must be signed by 15 percent of the registered voters of the City in order to be submitted to the voters for consideration; and

WHEREAS, on November 8, 2011, the San Diego County Registrar of Voters completed its legally required verification of the petition signatures, and formally certified that the petitions contained the valid signatures of more than 15 percent of the City's registered voters, according to the Registrar's last official report of registration to the Secretary of State; and

WHEREAS, after the Registrar certified that the signatures were sufficient to qualify the measure for direct submission to the voters, the San Diego City Clerk presented the petition and

a certification of the sufficiency of its signatures to the City Council, in compliance with Municipal Code sections 27.1026 and 27.1027; and

WHEREAS, California Elections Code section 9255 requires the City Council to place a qualified Charter amendment petition on the ballot, stating that “. . . city or city and county charter proposals shall be submitted to the voters at either a special election called for that purpose, at any established municipal election date, or at any established election date . . . provided that there are at least 88 days before the election . . .”; and

WHEREAS, the Council adopted a resolution of intention to submit the matter to the voters at a special election, to be held at the same time as the next citywide primary election, and directed the City Attorney to prepare an ordinance calling a special election to place the matter on the ballot; and

WHEREAS, by Ordinance No. O-20125, introduced and adopted on January 30, 2012, the City Council called a Municipal Special Election to be consolidated with the California State Primary Election on June 5, 2012, for the purpose of submitting to the qualified voters of the City one or more ballot propositions; and

WHEREAS, the City Council now desires to submit to the voters at the Municipal Special Election the ballot measure referenced herein, which would amend the San Diego City Charter by amending Article VII to add sections 70.1 and 70.2; amending Article IX to add sections 140, 141.1, 141.2, 141.3, 141.4, 150 and 151; and amending Article IX to amend section 143.1, all relating to retirement benefits; and

WHEREAS, pursuant to San Diego Charter sections 275(c), 295(b) and 295(d), this ordinance relating to elections may be passed by the City Council on the date of introduction, which date shall be deemed the date of final passage, and is not subject to veto by the Mayor;

NOW, THEREFORE,

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

Section 1. That one proposition that would amend the San Diego City Charter by amending Article VII to add sections 70.1 and 70.2; amending Article IX to add sections 140, 141.1, 141.2, 141.3, 141.4, 150 and 151; and amending Article IX to amend section 143.1, all relating to retirement benefits, is hereby submitted to the qualified voters at the Municipal Special Election to be held on June 5, 2012, and consolidated with the California State Primary Election to be held on the same date, with the proposition to read as follows:

PROPOSITION

COMPREHENSIVE PENSION REFORM FOR SAN DIEGO

Section 1. PREAMBLE

WE THE PEOPLE of the City of San Diego declare our intent to restore financial stability to city government both in the immediate term and long term, and to return our community to the historic principles of self-governance inherent in the doctrine of home-rule. Sincerely committed to the belief that local government has the closest affinity to the people governed and firm in the conviction that the economic and fiscal independence of our local government, as well as the exercise of the people's right to impose limitations on their local government, will better serve and promote the health, safety and welfare of all of the citizens of this City, we do hereby exercise the express right granted by the Constitution of the State of California to enact and adopt this amendment of the Charter for the City of San Diego.

Section 2. FINDINGS

- a) Using the power vested in the Citizens of San Diego by the California Constitution, including Article XI, Section 5(b) of the California Constitution, as well as the Charter of the City of San Diego, this Charter amendment to address an immediate fiscal emergency to control long-term employee pension benefit costs.
- b) The cost of City pensions has become unsustainable and the Citizens find that the City faces a financial emergency that requires immediate controls on pension costs and long-term reforms of pension benefits.
- c) The Citizens are concerned with abusive and wasteful pension payouts to individual city employees. As such, the Citizens of the City of San Diego desire pension reform that addresses individual pension liabilities and reduces collective costs to taxpayers.
- d) The enactment of this Charter amendment is intended to limit the impacts City budgetary decisions have on pension liabilities in the immediate term and the long term as a way to prevent further cuts in important neighborhood services that are mandated by the Charter.
- e) In 1996 and 2002, the San Diego City Council retroactively increased pension benefits for city employees under the defined benefit plan, without identifying adequate funds to cover the cost of those benefits in the future.
- f) As a result of the increased pension benefits and past decisions to improperly fund the pension system, the city's pension fund currently has an unfunded liability of over \$2 billion.
- g) The City's Annual Required Contribution to the defined benefit pension fund has increased dramatically over the last several years, from \$137.6 million in Fiscal Year 2006, to \$231.3 million for Fiscal Year 2012, and is projected to increase to approaching \$500 million by Fiscal Year 2025.

h) This Charter amendment protects the existing rights of City employees and City retirees while curbing the future costs of employee benefits and retirement costs, thereby allowing San Diego to provide services to the public in a more efficient manner.

i) The Citizens seek to limit "pension spiking" by city employees where life-long pensions are calculated using not just base salaries, but a multitude of specialty pays, add-on pays, and other forms of compensation.

j) Retirement benefits for city employees should be no better than, and no worse than, retirement benefits paid in the non-profit and private sectors locally in San Diego. As such, the Citizens desire that the city transition to a defined contribution retirement program modeled after 401(k) programs.

k) City employees should be paying their full and fair share of all costs of pensions. The Citizens desire to achieve an equal, dollar-for-dollar split between taxpayers and city employees for the costs of city pensions.

Section 3. Article VII (Finance) of the San Diego City Charter is hereby amended to add the following sections:

Section 70.1: REFORMING BASE COMPENSATION USED TO ESTABLISH PENSION BENEFITS

"Base Compensation for Calculation of Pension Benefits" or "Base Compensation" shall be defined for this Section and for Section 70.2 as the total amount of annual compensation received by an individual City officer or employee for years of service after the implementation of this section that is used by the Retirement System for the purpose of calculating an individual's benefits under a Defined Benefit Pension Plan as defined in Section 140 of this Charter.

By January 1, 2013 and to the extent allowed by law, including the legal effect of existing Memorandums of Understanding as of the effective date of this section, no Earning Codes Included in Retirement Base Compensation in any Annual Salary Ordinance shall include any pay components that may be excluded pursuant to any judicially approved legal settlement from the calculation of Base Compensation for Calculation of Pension Benefits.

This Section shall apply prospectively. Nothing in this section shall be interpreted to limit the ability of the City to offer additional compensation for City officers and employees beyond Base Compensation, provided however that such compensation shall not be included in the calculation of Base Compensation. Employees determined to be performing work outside of their job classification may have their "out of class" pay included in the calculation of Base Compensation. Furthermore, nothing herein is intended to prohibit or limit the City Council from having its representatives meet and confer with Recognized Employee Organizations or Bargaining Groups as required by applicable labor relations laws to implement this Section.

Section 70.2: EMERGENCY LIMITATIONS ON BASE COMPENSATION FOR CALCULATION OF PENSION BENEFITS (JULY 1, 2012 TO JUNE 30, 2018)

From the effective date of this Section until June 30, 2018, in the City's initial bargaining position in negotiations on any Memorandum of Understanding with recognized employee organizations or bargaining groups, the City shall propose terms that are consistent with the following requirements and shall work to achieve the following outcomes:

- (a) No Base Compensation for any classification shall be set at an amount higher than the base compensation for that classification established in Ordinance No. O-19952, adopted on May 4, 2010, ("2011 Fiscal Year Salary Ordinance").
- (b) The Earning Codes Included in Retirement Base Compensation, as adopted in Ordinance No. O-19952, shall not be amended to add any new types of compensation to the Base Compensation for the Calculation of Pension Benefits during the effective period of this section.
- (c) Any new job classification may only be created, during the effective period of this Section, with specific findings that the creation of the new classification is necessary to achieve efficiencies and/or salary savings by consolidation job duties or the creation of a more efficient service delivery method to the public. No base compensation for any new job classification created during the effective period of this section shall be set at an amount higher than the base compensation for that classification during the Fiscal Year in which it was established.
- (d) No other forms of compensation shall be provided or increased for any applicable fiscal year that has the effect of increasing Base Compensation as defined under this Section and Section 70.1, above, of this Charter.

City bargaining representatives may be authorized to negotiate tentative agreements with employee organizations incorporating changes in employee compensation and other employee benefits provided, however, that no provision of a tentative agreement that fails to meet the conditions established in (a)-(d), above, shall become effective unless and until it is approved by a two-thirds majority of the full City Council.

From the effective date of this Section until June 30, 2018, prior to any City Council action that establishes the initial bargaining position of the City to meet and confer with recognized employee organizations or bargaining groups which include increases to salaries and benefits for any City officer or employee, in any proposed Memorandum of Understanding or other agreement, the Retirement System shall prepare and submit to the Mayor and City Council an actuarial study that identifies and discloses the impact on the City's Defined Benefit Pension Plan of any increases in proposed compensation or benefits contained in the initial Council proposal, and certifies whether the proposed action increases the average or mean Base Compensation, for any job classification. Prior to any submission of a tentative agreement with any recognized employee organization or bargaining group to the City Council for approval of a Memorandum of Understanding, the City shall refer the tentative agreement to the Retirement System's Actuary to update the actuarial study to include any additional fiscal impacts of the tentative agreement. Such analysis shall be made readily available to the public ten days prior to any final action taken by the Council.

Nothing in this section shall be interpreted to limit the ability of the City to offer additional compensation for City officers and employees during the effective period of this section, provided however that such compensation shall not have the effect of increasing the Base Compensation for Establishment of Pension Benefits for that City officer or employee without complying with the requirements of this section.

Nothing in this section shall be interpreted to limit the ability of the City to exercise authority under Charter Section 124 (Promotions). This section shall be implemented in a

manner consistent with the requirements of any applicable labor relations laws. This Charter Section 70.2 shall be automatically repealed and removed from this Charter on July 1, 2018, unless extended, modified or repealed by a vote of the People.

Section 4. The San Diego City Charter is hereby amended to add the following sections in Article IX (Retirement):

Section 140: ESTABLISHMENT OF SEPARATE RETIREMENT PENSION SYSTEMS; DEFINITIONS

As of the election at which this Section becomes operative, the electorate of the City of San Diego has found and declared that the fiscal best interests of the City are served by reforming the retirement system authorized by this Charter to be established for City employees.

“Defined Benefit Pension Plan” or “Defined Benefit Pension System” is a system or plan to provide a specified allowance to a city retiree or a retiree’s spouse after retirement that is based on a set formula based on factors such as age, years of service, and elements of compensation as established in this Article.

The Defined Benefit Pension Plan in place prior to said election, established by the City Council pursuant to Sections 141 through 149 of this Charter, may remain in place until, for any reason, there remain no participants in the Defined Benefit Plan. The City Council may by ordinance utilize any lawful means for terminating the Defined Benefit Plan. Any closure of the Defined Benefit Plan shall be designed and implemented to protect the employees’ vested rights in the Defined Benefit Plan, generate cost savings

for taxpayers, and ensure compliance with applicable laws and regulations, including tax regulations.

At such time as there remain no participants in the Defined Benefit Pension Plan, the City shall take such actions as are necessary and appropriate to promptly wind down and terminate the Defined Benefit Pension Plan.

Notwithstanding the foregoing, and except as expressly provided in this Article IX, all Officers and employees, with the exception of sworn police officers, who are initially hired or assume office on or after the effective date of this Section shall participate only in such Defined Contribution Plans as authorized by Sections 150 and 151 of this Charter.

The provisions of Sections 141 through 149 shall apply only to the Defined Benefit Plan, and those City employees eligible to participate in the Defined Benefit Plan. The provisions of Sections 150 and 151 shall apply only to the Defined Contribution Plan, and those City employees eligible to participate in the Defined Contribution Plan, except as expressly stated.

Notwithstanding the foregoing, and except as provided in this Article IX, the City Council is hereby authorized and empowered by ordinance to enroll sworn police officers hired after the effective date of this section in either the Defined Benefit Plan or the Defined Contribution Plan. This section shall be implemented in a manner consistent with the requirements of applicable labor relations laws.

Section 141.1: REFORM OF SWORN POLICE OFFICER DEFINED BENEFIT PENSION PLAN

Notwithstanding any other provision of this Charter, or any ordinance or other action taken pursuant hereto, the maximum amount of retirement benefit payable to a sworn police officer, who is hired after the effective date of this section and who is a participant under the Defined Benefit Pension Plan, shall be an amount equivalent to 80% at age 55 of the average of the participant's highest consecutive 36 months of Base Compensation as defined by Section 70.1. The maximum set by this provision shall decrease by 3% (three percentage points) for each year that such participant retires before age 55.

Section 141.2: FULL AND FAIR EMPLOYEE CONTRIBUTIONS FOR THE DEFINED BENEFIT PENSION PLAN

For officers and employees who have the legal right to remain in the established Defined Benefit Pension Plan, the City shall contribute annually an amount substantially equal to that required of the employee for a normal retirement allowance, as certified by the Actuary established in Charter Section 142, but shall not contribute in excess of that amount, except in the case of financial liabilities accruing under any new retirement plan or revised retirement plan because of past service of the employee. The City shall not pay, cap the employee contribution rate, or otherwise compensate for any portion of a contribution to the Retirement System by a City Officer or employee.

To the fullest extent permissible by law, in calculating annual contributions for the City and City employees, the Retirement Board shall divide equally between those two parties all costs except those costs explicitly and exclusively reserved to the City in this Section and Section 143. Contributions shall also be governed by Section 143 of this Article. In

the event of a conflict between this Section and Section 143, this Section shall prevail,

This section is not intended to interfere with vested defined rights of any retiree receiving benefits from the Defined Benefit Retirement System or of any employee enrolled in the Defined Benefit Retirement System as of the effective date of this section.

Nothing contained in this Section shall preclude the City from entering into a settlement of *City of San Diego v. San Diego City Employees' Retirement System* Case No. #37-2010-00091207-CU-WM-CTL to define responsibilities of the City and employees for unfunded liabilities of the Retirement System even if the settlement includes terms that might otherwise conflict with the above restrictions, as long as the settlement is approved by the court as a good faith settlement and approved by a two-thirds vote of the City Council.

Section 141.3: ELIMINATION OF PENSION BENEFIT FOR FELONY CONVICTIONS

On or before July 1, 2013 and subject to meet and confer requirements with recognized employee organizations or bargaining groups, the City Council shall adopt an ordinance to implement this section that eliminates, to the extent permitted by law, the Defined Benefit Pension Plan for any individual City Officer or employee who is convicted of a felony, as defined in California Government Code Section 1770(h), as amended, related to their employment, duties, or obligations as a City officer or employee. The City Council shall have the authority to reinstate benefits upon a finding that the felony conviction was overturned on appeal.

Section 141.4: TRANSPARENCY AND PUBLIC DISCLOSURE OF CITY PENSION PAYOUTS

Within 30 days of the start of each calendar year, the City shall post online a listing of the total amount paid to each individual city retiree for the preceding calendar year from assets held by or managed by the Retirement System. The City shall redact the name of each individual, but shall provide the final classification held by each individual and the number of creditable years of service worked by the individual. This section shall be implemented in a manner that protects the privacy rights of officers and employees to the extent required by law and consistent with applicable labor relations laws.

Section 150: CREATION OF A DEFINED CONTRIBUTION PLAN

In order to implement the requirements of Section 140, the City Council is hereby authorized to establish by ordinance a Defined Contribution Plan consistent with this Article. This Plan shall meet the legal requirements established under the United States Internal Revenue Code in order to allow the City to retain its Social Security Safe Harbor Status, under the Internal Revenue Code, as amended, unless the City enrolls in the Social Security System under the restrictions established hereunder. Any ordinance adopted under this section shall take effect immediately if the City Council finds that the Ordinance must take immediate effect to meet a legal deadline for compliance with this Charter or any other law or regulation.

The City shall not contribute in excess of 9.2% of an Officer's or employee's compensation, as required by the Internal Revenue Code as amended, to defined contribution retirement accounts for that individual officer or employee. For a Uniformed Public Safety Officer, the City may contribute up to 11% of that Officer's or employee's

compensation to his or her defined contribution retirement account. The City may elect to re-enroll in the Social Security System, provided that the City's total cost for retirement benefits do not exceed 9.2% for each Officer's or employee's compensation, or 11% for Uniformed Public Safety Officers.

To the extent allowed by law, the City may offer plans that allow employees to convert their defined contribution retirement account into an annuity or other City Council approved investment instrument as of their date of retirement. No conversion under this section shall require the City to contribute additional funds to convert the defined contribution retirement account to another approved investment instrument.

Years of service accrued by an Officer or employee participating in the Defined Contribution Plan shall not be credited towards vesting or calculation of years of service in the City's Defined Benefit Plan.

Subject to compliance with applicable laws and regulations, for any individual City employee where the City can demonstrate that cost savings can be achieved, the City shall create a mechanism by which an employee currently enrolled in the Defined Benefit Pension Plan pursuant to Sections 141 through 149 may switch on a prospective basis to the Defined Contribution Plan created in this Section.

The implementation of this section shall be subject to the requirements of applicable law including, but not limited to, applicable labor relations laws and the requirements of the Internal Revenue Code, as amended.

For the purposes of Section 150 and 151, "Uniformed Public Safety Officer" shall have the same meaning as "Safety Member" as defined in Section 24.0103 in the Municipal Code as of January 1, 2011.

Section 151: DISABILITY AND DEATH BENEFITS FOR DEFINED CONTRIBUTION PLAN MEMBERS

For officers and employees enrolled in the Defined Contribution Plan, the City may provide for disability benefits to support an employee who has become physically or mentally disabled by reason of bodily injury or illness caused actions related to the discharge of their duties. Any benefits authorized hereunder may be in addition to any state or federal benefits required by law applicable to a Charter City.

For Uniformed Public Safety Officers, the City shall provide death and disability benefits for officers who are killed or injured in the line of duty. The City may provide greater death or disability benefits than those required by law applicable to Charter Cities.

Section 5. Article IX (Retirement) Section 143.1 of the San Diego City Charter is hereby amended as follows:

- (a) No ordinance amending the retirement system which affects the benefits of any employee under such retirement system shall be adopted without the approval of a majority vote of the members of said system. No ordinance amending the retirement system which increases the benefits of any employee, legislative officer or elected official under such retirement system, with the exception of Cost of Living Adjustments, shall be adopted without the approval of a majority of those qualified electors

voting on the matter. No ordinance amending the retirement system which affects the vested defined benefits of any retiree of such retirement system shall be adopted without the approval of a majority vote of the affected retirees of said retirement system. To the extent allowed by law, the requirement for a majority vote of employees and the requirement for a majority vote of retirees for adoption of an ordinance as described in this section shall sunset and be deemed unenforceable as of the effective date of this section. Unless required under a pre-existing Memorandum of Understanding as of the effective date of this article, any City employee hired after September 1, 2012 shall not have a right to vote in any vote required under this Section.

Section 6. EFFECTIVE DATE

This Charter amendment shall become effective in the manner allowed by law. This Charter amendment addresses the subject of public employee compensation and benefits under the plenary authority granted to the Citizens of San Diego by Article XI, Section 5(b) of the California Constitution. As specified herein, the implementation of various provisions may be delayed in their implementation pursuant to provisions of any Memorandum of Understanding in effect on the effective date of this Charter amendment. Nothing herein is intended to remove legally established rights held by any officer or employee held by virtue of their employment status before the effective date of this Charter Amendment.

Section 7. SEVERABILITY

It is the intent of the People that the provisions of this Charter amendment are severable and that if any section or provision of this act or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect any other provision or application of this Charter amendment which can be given effect without the invalid provision or application.

Section 8. LIBERAL CONSTRUCTION

The provisions of this act shall be liberally construed in order to effectuate its purposes.

Section 9. CONFLICTING BALLOT MEASURES

In the event that this measure and another measure or measures relating to the establishment of compensation and benefit levels of City officers and employees, or both, appear on the same city-wide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail over conflicting provisions in any other measure, and the conflicting provisions of the other measure shall be null and void.

END OF PROPOSITION

Section 2. The proposition shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in Section 3 of this ordinance.

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

PROPOSITION ____ , Amends City Charter Regarding Retirement Benefits. Should the Charter be amended to: direct City negotiators to seek limits on a City employee's compensation used to calculate pension benefits; eliminate defined benefit pensions for all new City Officials and employees, except police officers, substituting a defined contribution 401(k)-type plan; require substantially equal pension contributions from the City and employees; and eliminate, if permissible, a vote of employees or retirees to change their benefits?	YES	
	NO	

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

Section 5. Passage of this proposition requires the affirmative vote of a majority of those qualified electors voting on the matter at the Municipal Special Election.

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

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

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

Section 9. That, pursuant to San Diego Charter sections 275(c), 295(b) and 295(d), this ordinance relating to elections may be passed by the City Council on the date of introduction, which date shall be deemed the date of final passage, and is not subject to veto by the Mayor.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Sharon B. Spivak
Sharon B. Spivak
Deputy City Attorney

SBS:jdf
01/20/12
01/30/12 REV.
Or.Dept:City Clerk
O-2012-55 REV.
Doc.No.: 301837.2

I, Elizabeth S. Maland, Clerk of the City of San Diego, California, hereby certify that this is a true copy of papers on file and of record in the office of the Clerk of said city.

ELIZABETH S. MALAND, City Clerk

By Kristine Medina, Deputy

Dated 02.13.12

EXHIBIT G

202 B
1/30/12

RESOLUTION NUMBER R- 307249

DATE OF FINAL PASSAGE JAN 30 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DIRECTING THE CITY ATTORNEY TO PREPARE A BALLOT TITLE AND SUMMARY; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS AND TO RETAIN OUTSIDE COUNSEL TO ASSIST IN THE PREPARATION; AND DIRECTING THE MAYOR, INDEPENDENT BUDGET ANALYST AND CITY AUDITOR TO PREPARE A FISCAL IMPACT ANALYSIS; ALL REGARDING A PROPOSITION AMENDING THE SAN DIEGO CHARTER RELATING TO RETIREMENT BENEFITS.

WHEREAS, San Diego Municipal Code section 27.0504 allows the City Council to direct the City Attorney to prepare a ballot title and summary of any proposed ballot measure; and

WHEREAS, San Diego Municipal Code section 27.0505 allows the City Council to direct the City Attorney to prepare an impartial analysis of any proposed ballot measure, and the City Attorney desires to retain and consult with outside counsel to assist in the preparation of the impartial analysis for the measure; and

WHEREAS, San Diego Municipal Code section 27.0506 directs the Independent Budget Analyst, working with the Mayor (or his or her designee) and the City Auditor, to prepare a fiscal impact analysis of a proposed legislative act; and

WHEREAS, San Diego Municipal Code section 27.0513 allows the City Council to assign to itself, individual Councilmembers, and the Mayor, the authorship and signing of a ballot argument in support of, or in opposition to, a ballot measure; and

WHEREAS, at a meeting held on January 30, 2012, the City Council adopted Ordinance No. O-20127 (N.S.), to place on the June 5, 2012 ballot one proposition that would amend the San Diego Charter by amending Article VII to add sections 70.1 and 70.2; amending Article IX

to add sections 140, 141.1, 141.2, 141.3, 141.4, 150 and 151; and amending Article IX to amend section 143.1, all relating to retirement benefits; and

WHEREAS, pursuant to Charter section 295(d), this resolution relating to matters to submit to City voters at a Municipal Special Election is not subject to veto by the Mayor, and thus the date of its passage by the Council shall be deemed the date of final passage; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. The City Attorney is directed to prepare a ballot title and summary of the proposed ballot measure for inclusion in the voter pamphlet and to deliver the ballot title and summary to the Office of the City Clerk, Elections Section, no later than March 19, 2012.
2. The City Attorney is directed to prepare an impartial analysis of the proposed ballot measure for inclusion in the voter pamphlet, directed to retain outside counsel to assist in the preparation of the impartial analysis, and directed to deliver the impartial analysis to the Office of the City Clerk, Elections Section, no later than March 19, 2012.
3. The Independent Budget Analyst, working with the Mayor (or his designee) and the City Auditor, is directed to prepare a fiscal impact analysis of the proposed ballot measure for inclusion in the voter pamphlet and to deliver the analysis to the Office of the City Clerk, Elections Section, no later than March 19, 2012.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Sharon B. Spivak
Sharon B. Spivak
Deputy City Attorney

I, Elizabeth S. Maland, Clerk of the City of San Diego, California, hereby certify that this is a true copy of papers on file and of record in the office of the Clerk of said city.

ELIZABETH S. MALAND, City Clerk
By Kristine Medina, Deputy
Dated 02/13/12

SBS:jdf
01/18/12
01/30/12 REV.
Or.Dept:Council
Doc. No.: 306859.2

EXHIBIT H

ARTICLE III

LEGISLATIVE POWER

Section 11: Legislative Power

All legislative powers of the City shall be vested, subject to the terms of this Charter and of the Constitution of the State of California, in the Council, except such legislative powers as are reserved to the people by the Charter and the Constitution of the State.

Section 11.1: Legislative Power — Nondelegable

The same prohibition against delegation of the legislative power which is imposed on the State Legislature by Article XI, Section 11a of the Constitution of the State of California shall apply to the City Council of The City of San Diego, so that its members shall not delegate legislative power or responsibility which they were elected to exercise in the adoption of any ordinance or resolution which raises or spends public monies, including but not limited to the City's annual budget ordinance or any part thereof, and the annual ordinance setting compensation for City employees, or any ordinance or resolution setting public policy.

The City Council shall annually adopt an ordinance establishing salaries for all City employees. The City Council shall adopt this ordinance not later than May 30 of each year after considering all relevant evidence including but not limited to the needs of the citizens of the City of San Diego for municipal services, the ability of the citizens to pay for those services, local economic conditions and other relevant factors as the Council deems appropriate. The City Council shall give priority in the funding of municipal services to the need of the citizens for police protection in considering adoption of this salary ordinance and the annual budget ordinance.

The prohibition imposed by this section against unlawful delegation of the legislative responsibility to set compensation for city employees shall extend to any scheme or formula which seeks to fix the compensation of City of San Diego employees at the level of compensation paid to employees of any other public agency whose governing board is not elected by and not accountable to the people of the City of San Diego. This prohibition shall also extend to any scheme or formula which seeks to fix, establish, or adjust the compensation of City of San Diego employees at the level of the largest cities in California or the State of California.

(Addition voted 06-03-1980; effective 07-16-1980.)

(Amendment voted 11-04-1980; effective 12-31-1980.)

(Amendment voted 06-03-1986; effective 09-08-1986.)

Prior Language

Section 11.2: Legislative Power — Memorandum of Understanding

Notwithstanding any provisions of this Charter to the contrary, nothing in the Charter shall be construed to preclude the Council from entering into a multiple year memorandum of understanding with any recognized City employee organization concerning wages, hours and other terms and conditions of employment if, in the prudent exercise of legislative discretion as provided in this Charter, the Council determines it is in the best interests of the City to do so; and further provided that said exercise of legislative discretion is expressed affirmatively by a two-thirds vote of the entire Council. (Addition voted 06-03-1986; effective 09-08-1986.)

Section 12: The Council

- (a) The Council shall be the legislative body of the City and each of its members shall have the right to vote upon all questions before it.
- (b) At the municipal primary and general election in 1979, a Mayor shall be chosen by the electors for a term of five (5) years. A Mayor shall thereafter be elected for a term of four (4) years in the manner prescribed by Section 10 of this Charter. The Mayor shall hold office for the term prescribed from and after 10 a.m. the first Monday after the first day of December next succeeding the election and until a successor is elected and qualified.
- (c) At the municipal primary and general elections in 1993, the Council members for Districts 1, 3, 5, and 7 shall be chosen by the electors for a term of three (3) years. Council members for Districts 1, 3, 5, and 7 shall thereafter be elected for a term of four (4) years in the manner prescribed by Section 10 of this Charter. Electors shall choose the council member for District 9 at the next municipal primary and general elections following the redistricting after the 2010 national decennial census. The initial term for the District 9 Council member shall be four (4) years. The Council member for District 9 shall thereafter be elected for a term of four (4) years in the manner prescribed by Section 10 of the Charter.
- (d) At the municipal primary and general election in 1995, Council members for Districts 2, 4, 6, and 8 shall be chosen by the electors for a term of three (3) years. Council members for Districts 2, 4, 6, and 8 shall thereafter be elected for a term of four (4) years in the manner prescribed by Section 10 of this Charter.
- (e) Except as provided in this Section, Council members, shall hold office for the term of four (4) years from and after 10 a.m. the first Monday after the first day of

December next succeeding their election and until their successors are elected and qualified.

- (f) Notwithstanding any other provision of this Charter and commencing with elections held in 1992, no person shall serve more than two consecutive four-year terms as a Council member from any particular district. If for any reason a person serves a partial term as Councilmember from a particular district in excess of two (2) years, that partial term shall be considered a full term for purposes of this term limit provision. Persons holding office prior to the November 1992 election shall not have prior or current terms be counted for the purpose of applying this term limit provision to future elections.
- (g) Upon any redistricting pursuant to the provisions of this Charter, incumbent Council members will continue to represent the district in which they reside, unless as a result of such redistricting more than one incumbent Council member resides within any one district, in which case the City Council may determine by lot which Council member shall represent each district. At the next municipal primary and general elections following a redistricting, Council members shall be elected from those districts not represented and from those districts represented by incumbent Council members whose terms expire as of the general election in said year. If as a result of any redistricting more than a simple majority of the City Council as redistricted shall be elected at either the municipal primary or general election next following any such redistricting, the City Council prior to any such election shall designate one or more new districts for which the initial council term shall be two (2) years in order to retain staggered terms for Council members.
- (h) If a vacancy occurs for any reason in the office of a Council District, the procedures set forth in Charter section 12(h) shall be followed:
 - (1) If the vacancy occurs for any reason other than a successful recall election, and,
 - (A) If the vacancy occurs with one (1) year or less remaining in the term, the Council shall appoint a person to fill the vacant seat on the City Council. Any person appointed by the Council to fill a vacant Council District seat shall not be eligible to run for that office for the next succeeding term; or,
 - (B) If the vacancy occurs with more than one (1) year remaining in the term, the Council shall call a special election to be held within ninety (90) days of the vacancy, unless there is a regular municipal or statewide election scheduled to be held within 180 days of the

vacancy. If there is a regular municipal or statewide election scheduled to be held within 180 days of the vacancy, the Council may consolidate the special election with that regular election.

- (i) If one candidate receives the majority of votes cast for all candidates in the special election, the candidate receiving the majority of votes cast shall be deemed to be and declared by the Council to be elected to the vacant office.
- (ii) If no candidate receives a majority of votes cast in the special election, a special run-off election shall be held within forty-nine (49) days of the first special election, unless there is regular municipal or statewide election scheduled to be held within ninety (90) days of the proposed special run-off election date, at which time the City Council may consolidate the special run-off election with that regular election. The two (2) candidates receiving the highest number of votes cast for the vacant seat in the first special election shall be the only candidates for the vacant Council seat and the names of only those two (2) candidates shall be printed on the ballot for that seat.

- (2) If a vacancy occurs by reason of a successful recall election, the Council shall adopt procedures to fill the vacancy.

Whether a person is appointed or elected to fill a vacant Council District seat, whatever the reason for the vacancy, that person shall serve as that District's Councilmember for the remainder of the unexpired term.

For purposes of Charter section 12(h), a vacancy may result from death, resignation, recall, or unexcused absences as described in Charter section 12(i). If a vacancy occurs by reason of a resignation, the date of the vacancy will be the date specified in the written letter of resignation or, if there is no date certain specified in the letter, upon the date of receipt of the letter by the City Clerk.

- (i) It is the duty of the Council members to attend all Council meetings. The Council shall vacate the seat of any Councilmember who is absent from eight (8) consecutive meetings or fifty percent (50%) of any scheduled meetings within a month unless the absence thereof is excused by resolution of the Council.

- (j) Council members shall devote full time to the duties of their office and not engage in any outside employment, trade, business or profession which interferes or conflicts with those duties.
- (k) Council members shall not be eligible during the term for which they were appointed or elected to hold any other office or employment with the City, except as Mayor or City Attorney and as a member of any Board, Commission or Committee thereof, of which they are constituted such a member by general law or by this Charter.

(Amendment voted 11-08-1949; effective 12-20-1949.)

(Amendment voted 06-05-1956; effective 01-10-1957.)

(Amendment voted 11-06-1962; effective 01-21-1963.)

(Amendment voted 09-17-1963; effective 02-11-1964.)

(Amendment voted 11-04-1969; effective 01-29-1970.)

(Amendment voted 11-05-1974; effective 12-01-1975.)

(Amendment voted 11-04-1975; effective 12-01-1975.)

(Amendment voted 11-06-1979; effective 12-17-1979.)

(Amendment voted 11-08-1988; effective 04-03-1989.)

(Amendment voted 11-06-1990; effective 02-19-1991.)

(Amendment voted 06-02-1992; effective 07-13-1992.)

(Amendment voted 11-03-1992; effective 12-18-1992.)

(Amendment voted 06-07-1994; effective 08-18-1994.)

(Section 12(a) was superseded by section 270 from 01-01-2006 through 08-16-2010.)

(Amendment voted 06-08-2010; effective 08-16-2010; see section 270.)

Prior Language

Section 12.1: Councilmanic Salaries

On or before February 15 of every even year, the Salary Setting Commission shall recommend to the Council the enactment of an ordinance establishing the salary of members of the Council for the period commencing July 1 of that even year and ending two years thereafter. The Council may adopt the salaries by ordinance as recommended by the Commission, or in some lesser amount, but in no event may it increase the amount. The ordinance shall be subject to the referendum provisions of this Charter and upon the filing of a sufficient petition, the ordinance shall not become effective and shall be repealed by the Council or shall forthwith be submitted to a vote of the people at the next general statewide election.

(Addition voted 11-06-1973; effective 12-07-1973.)

Section 13: Meetings of the Council

(Amendment voted 11-06-1962; effective 01-21-1963.)

(Section 13 was superseded by section 270 from 01-01-2006 through 08-16-2010.)

(Repeal voted 06-08-2010; effective 08-16-2010; see section 270.)

Prior Language

Section 14: Council Rules

The Council shall be the judge of the election and qualification of its members, and in such cases, shall have power to subpoena witnesses and compel the production of all pertinent books, records and papers; but the decision of the Council in any such case shall be subject to review by the courts. The Council shall determine its own rules and order of business. It shall have power to compel the attendance of absent members, and may punish its members for disorderly behavior after notification of the charge and opportunity to be heard in defense.

Section 15: Quorum

A majority of the members elected to the Council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. Except as otherwise provided herein the affirmative vote of a majority of the members elected to the Council shall be necessary to adopt any ordinance, resolution, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or in which his own personal interests are involved.

Section 16: Introduction and Passage of Ordinances and Resolutions

(Amendment voted 03-10-1953; effective 04-20-1953.)

(Amendment voted 09-17-1963; effective 02-11-1964.)

(Amendment voted 11-04-1969; effective 01-29-1970.)

(Amendment voted 11-04-1975; effective 12-01-1975.)

(Section 16 was superseded by sections 275, 280, 285 and 290 from 01-01-2006 through 08-16-2010.)

(Repeal voted 06-08-2010; effective 08-16-2010; see sections 275, 280, 285 and 290.)

Prior Language

Section 17: When Ordinances and Resolutions Take Effect. Emergency Measures

(Amendment voted 04-22-1941; effective 05-08-1941.)

(Amendment voted 09-17-1963; effective 02-11-1964.)

(Section 17 was superseded by section 295 from 01-01-2006 through 08-16-2010.)

(Repeal voted 06-08-2010; effective 08-16-2010; see section 295.)

Prior Language

Section 18: Authentication and Publication of Ordinances and Resolutions

Upon its final passage each ordinance or resolution shall be authenticated by the signatures of the Mayor and the City Clerk and shall be recorded in a book kept for that purpose. Within fifteen days after final passage the title and number of each ordinance or resolution of a general nature, together with a digest thereof prepared by the City Attorney, shall be published at least once in such manner as may be provided by this Charter or by ordinance. The publication shall be accompanied by the notice that the full text of the ordinance or resolution is available for perusal in the office of the City Clerk.

(Amendment voted 11-05-1974; effective 12-01-1975.)

(Amendment voted 11-07-1978; effective 01-12-1979.)

Prior Language

Section 19: Effect of Other Ordinances

All ordinances and resolutions in force at the time this Charter takes effect, not inconsistent with its provisions, shall continue in force until amended or repealed.

Section 20: Codification of Ordinances

The Council may by ordinance codify all of the ordinances of a general nature of the City into a Municipal Code. When so codified such Municipal Code and all sections thereof shall be admissible in all courts as prima facie evidence of the due passage and publication of the ordinances as codified.

(Amendment voted 03-10-1953; effective 04-20-1953.)

Prior Language

Section 21: Courts

(Repeal voted 03-10-1953; effective 04-20-1953.)

Prior Language

Section 22: Interference by Individual Members of Council with Administrative Service Prohibited

(Amendment voted 09-17-1963; effective 02-11-1964.)

(Section 22 was superseded by sections 270(g) and 270(h) from 01-01-2006 through 08-16-2010.)

(Repeal voted 06-08-2010; effective 08-16-2010; see sections 270(g) and 270(h).)

Prior Language

Section 23: Initiative, Referendum and Recall

The right to recall municipal officers and the powers of the initiative and referendum are hereby reserved to the people of the City. Ordinances may be initiated; and referendum may be exercised on any ordinance passed by the Council except an ordinance which by the provisions of this Charter takes effect immediately upon its passage; and any elective officer may be recalled from office. The Council shall include in the election code ordinance required to be adopted by Section 8, Article II, of this charter, an expeditious and complete procedure for the exercise by the people of the initiative, referendum and recall, including forms of petitions; provided that the number of signatures necessary on petitions for the initiation of an ordinance for the consideration of the Council shall be three percent of the registered voters of the City at the last general City election; that for the direct submission of a measure to the people it shall require a petition signed by ten per cent of the registered voters of the City at the last general City election; that for a referendum upon an ordinance passed by the Council it shall require a petition signed by five per cent of the registered voters of the City at the last general election; and that for the recall of an elected officer who is elected by all of the electors of the City, it shall require a petition signed by fifteen per cent of the registered voters of the City at the last general City election; and that for the recall of a Council member other than the Mayor it shall require a petition signed by fifteen percent of the registered voters of the Councilmanic District at the last general City election.

(Amendment voted 04-22-1941; effective 05-08-1941.)

(Amendment voted 11-08-1988; effective 04-03-1989.)

Prior Language

I, Elizabeth S. Maland, Clerk of the City of San Diego, California, hereby certify that this is a true copy of papers on file and of record in the office of the Clerk of said city.

ELIZABETH S. MALAND, City Clerk

By *June Deane*, Deputy

Dated 2-2-2012

EXHIBIT I

ARTICLE XV

Strong Mayor Form of Governance

*(Added by vote on 11-02-2004; effective 01-01-2006.)
(Amendment voted 06-08-2010; effective 08-16-2010.)*

Section 250: Purpose and Intent

The purpose of this Article is to implement a form of governance commonly known as a Strong Mayor form of government.

*(Added by vote on 11-02-2004; effective 01-01-2006.)
(Amendment voted 06-08-2010; effective 08-16-2010.)*

Prior Language

Section 255: Operative Date; Sunset of Article; Future Action by Voters

*(Added by vote on 11-02-2004; effective 01-01-2006.)
(Amendment voted 06-03-2008; effective 07-08-2008.)
(Repeal voted 06-08-2010; effective 08-16-2010.)*

Prior Language

Section 260: Integration of Article with Charter

All executive authority, power, and responsibilities conferred upon the City Manager in Article V, Article VII, and Article IX shall be transferred to, assumed, and carried out by the Mayor.

*(Added by vote on 11-02-2004; effective 01-01-2006.)
(Amendment voted 06-08-2010; effective 08-16-2010.)*

Prior Language

Section 265: The Mayor

- (a) The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the courts for purpose of serving civil process, for the signing of all legal instruments and documents, and by the Governor for military purposes.
- (b) In addition to exercising the authority, power, and responsibilities formally conferred upon the City Manager as described in section 260, the Mayor shall have the following additional rights, powers, and duties:
 - (1) To be the chief executive officer of the City;

- (2) To execute and enforce all laws, ordinances, and policies of the City, including the right to promulgate and issue administrative regulations that give controlling direction to the administrative service of the City. Nothing in this section shall be interpreted or applied to add or subtract from powers conferred upon the City Attorney in Charter sections 40 and 40.1;
- (3) To recommend to the Council such measures and ordinances as he or she may deem necessary or expedient, and to make such other recommendations to the Council concerning the affairs of the City as the Mayor finds desirable;
- (4) To attend and be heard at any regular or special open session meeting of the Council, but not the right to vote at such meetings;
- (5) To approve or veto actions passed by the Council in open session, pursuant to sections 280 and 290;
- (6) To attend and be heard at any closed session meeting of the Council, but not the right to vote at such meetings. When present, the Mayor shall preside over closed session. When the Mayor does not attend closed session, the Presiding Officer of the Council shall chair the closed session meeting;
- (7) Sole authority to appoint the City Manager, subject to Council confirmation;
- (8) Sole authority to direct and exercise control over the City Manager in managing those affairs of the City under the purview of the Mayor as expressly permitted in the Charter;
- (9) Sole authority to dismiss the City Manager without recourse;
- (10) Notwithstanding contrary language in Charter sections 30, 57 or 58, authority to dismiss the Chief of Police or the Chief of the Fire Department, subject only to a right for these city officials to appeal to the City Council to overturn the Mayor's decision. Any such appeal must be filed with the City Clerk within 10 calendar days of receiving the notice of dismissal or termination from the Mayor. The City Clerk shall thereafter cause the appeal to be docketed at a regular open meeting of the City Council no later than 30 days after the appeal is filed with the Clerk;

-
- (11) As provided for in Charter sections 41 and 43, the authority to appoint members of City boards, commissions, and committees, subject to Council confirmation;
 - (12) Sole authority to appoint City representatives to boards, commissions, committees and governmental agencies, unless controlling law vests the power of appointment with the City Council or a City Official other than the Mayor;
 - (13) To cooperate fully with the Council and the Office of Independent Budget Analyst, including but not limited to, supplying requested information concerning the budget process and fiscal condition of the City to the Council and the Office of Independent Budget Analyst; and
 - (14) To propose a budget to Council and make it available for public review, no later than April 15.
- (c) On or before the 15th day of January of each year, the Mayor shall communicate by message to the City Council a statement of the conditions and affairs of the City, and make recommendations on such matters as he or she may deem expedient and proper. In time of public danger or emergency, the Mayor shall take command of the police, maintain order, and enforce the law.
 - (d) No person shall serve more than two consecutive four-year terms as Mayor. If for any reason a person serves a partial term as Mayor in excess of two years, that partial term shall be considered a full term for purposes of this term limit provision.
 - (e) If a vacancy occurs in the Office of Mayor for any reason other than a successful recall election, and,
 - (1) If the vacancy occurs with one year or less remaining in the term, the Council shall appoint a person to fill the vacancy.
 - (2) If the vacancy occurs with more than one year remaining in the term, the Council shall call a special election to be held within ninety days of the vacancy, unless there is a regular municipal or statewide election scheduled to be held within 180 days of the vacancy. If there is a regular municipal or statewide election scheduled to be held within 180 days of the vacancy, the Council may consolidate the special election with that regular election

-
- (A) If one candidate receives the majority of votes cast for all candidates in the special election, the candidate receiving the majority of votes cast shall be deemed to be and declared by the Council to be elected to the Office of Mayor.
- (B) If no candidate receives a majority of votes cast in the special election, a special run-off election shall be held within forty-nine days of the first special election, unless there is regular municipal or statewide election scheduled to be held within ninety days of the proposed special run-off election date, at which time the City Council may consolidate the special run-off election with that regular election. The two candidates receiving the highest number City of San Diego City Charter of votes cast for the Office of Mayor in the first special election shall be the only candidates for the Office of the Mayor and the names of only those two candidates shall be printed on the ballot for that seat.
- (f) If a vacancy occurs by reason of a successful recall election, the Council shall adopt procedures to fill the vacancy.
- (g) Whether a person is appointed or elected to the Office of Mayor, whatever the reason for the vacancy, that person shall serve as Mayor for the remainder of the unexpired term.
- (h) Upon the appointment or election of any person to the Office of Mayor, any other City office held by that person is automatically vacated.
- (i) During the period of time when an appointment or election is pending to fill a vacancy in the Office of Mayor, the presiding officer of the Council shall be vested with the authority to supervise the staff remaining employed in the Office of the Mayor, to direct and exercise control over the City Manager in managing the affairs of the City under the purview of the Mayor and to exercise other power and authority vested in the Office of the Mayor when the exercise of such power and authority is required by law. This limited authority would include circumstances where the expeditious approval of a legislative action is necessary to meet a legal requirement imposed by a court or another governmental agency. Such limited authority would not include the exercise of the power of veto or any other discretionary privilege which is enjoyed by a person appointed or elected to the Office of Mayor. The presiding officer, while acting under this section pending the filling of a mayoral vacancy, shall not lose his or her rights as a Member of the Council.

- (j) For purposes of this section, a vacancy may result from death, resignation, or recall. If a vacancy occurs by reason of a resignation, the date of the vacancy will be the date specified in the written letter of resignation or, if there is no date certain specified in the letter, upon the date of receipt of the letter by the City Clerk.

(Added by vote on 11-02-2004; effective 01-01-2006.)

(Amendment voted 06-03-2008; effective 07-08-2008.)

(Amendment voted 06-08-2010; effective 08-16-2010.)

Prior Language

Section 270: The Council

- (a) The Council shall be composed of nine councilmembers elected by district. The ninth councilmember shall be elected at the next municipal primary and general elections following the redistricting occurring after the 2010 national decennial census. Until the ninth councilmember is elected and qualified, the Council shall be composed of eight councilmembers elected by district. The Council shall be the legislative body of the City.
- (b) Each councilmember shall have the right to vote upon all questions before the Council.
- (c) No resolution, ordinance, or other action of the Council shall be passed or become effective without receiving the affirmative vote of five members of the Council, unless a greater number is otherwise required by the Charter or other superseding law. All substantive actions of the Council shall be passed by adoption of an ordinance or resolution.
- (d) The Council shall have the right to determine its own rules and order of business as provided for in Charter section 14, including a process for the selection of a presiding officer who shall have responsibility for chairing meetings of the Council and managing the docket process. Any such rules shall provide a process for the Mayor and independent department heads to propose matters for consideration by the Council in open session and a process for the City Attorney, Mayor, and Presiding Officer to coordinate the docketing of matters for consideration by the Council in any closed session of the Council.

- (e) The Council shall have the right to establish committees of the Council and to establish advisory boards and citizen committees as provided for in Charter section 43.
- (f) No member of the Council shall directly or indirectly by suggestion or otherwise attempt to influence or coerce the City Manager or other officer appointed or confirmed by the Council in the making of any appointment to, or removal from, any City office or employment, or the purchase of any supplies, or discuss directly or indirectly with any candidate for City Manager the matter of appointments to City Offices or employment, or attempt to exact any promises from such candidate relative to any such appointments.
- (g) Except for the purpose of inquiry or communications in furtherance of implementing policies and decisions approved by resolution or ordinance of the Council, individual members of Council shall deal with the administrative service for which the Mayor is responsible only through the Mayor, the City Manager, or the Mayor's designees.
- (h) Any City official or department head in the administrative service may be summoned to appear before the Council or any committee of the Council to provide information or answer any question.

(Added by vote on 11-02-2004; effective 01-01-2006.)

(Amendment voted 06-03-2008; effective 07-08-2008.)

(Amendment voted 06-08-2010; effective 08-16-2010.)

Prior Language

Section 275: Introduction and Passage of Ordinances and Resolutions

- (a) Ordinances shall be introduced in the Council only in written form. An alteration necessary only to correct a typographical or clerical error or omission may be performed by the City Clerk with the written approval and concurrence of the City Attorney, so long as the alteration does not materially or substantially alter the contents, requirements, rights, responsibilities, conditions, or prescriptions contained in the original text of the ordinance. A typographical or clerical error shall include, but is not limited to, incorrect spelling, grammar, numbering, punctuation, transposed words or numbers, and duplicate words or numbers.
- (b) All ordinances except annual appropriation ordinances and ordinances codifying or rearranging existing ordinances, shall be confined to one subject, and the subject or subjects of all ordinances shall be clearly expressed in the title.
- (c) The following ordinances may be passed by the Council on the day of their introduction: ordinances making the annual tax levy; the annual appropriation ordinance; ordinances calling or relating to elections; ordinances recommended

by the Mayor or independent department heads transferring or appropriating moneys already appropriated by the annual appropriation ordinance; ordinances establishing or changing the grade of a public highway; and emergency ordinances as defined by section 295 of this Charter. Other ordinances, however, shall be passed by the Council only after twelve calendar days have elapsed from the day of their introduction.

- (d) Each ordinance shall be read in full prior to passage unless such reading is dispensed with by a vote of five members of the Council, and a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.
- (e) The yeas and nays shall be taken upon the Council's passage of all resolutions and ordinances and entered upon the journal of the proceedings of the Council.
- (f) The enacting clause of ordinances passed by the Council shall be "Be it ordained by the Council of the City of San Diego." The enacting clause of ordinances submitted by initiative shall be "Be it ordained by the People of the City of San Diego."

(Added by vote on 11-02-2004; effective 01-01-2006.)

Section 280: Approval or Veto of Council Actions by Mayor

- (a) The Mayor shall have veto power over all resolutions and ordinances passed by Council with the following exceptions:
 - (1) The Mayor's veto power shall not extend to matters that are exclusively within the purview of Council, such as selection of the Independent Budget Analyst, the selection of a presiding officer, or the establishment of other rules or policies of governance exclusive to the Council and not affecting the administrative service of the City under the control of the Mayor.
 - (2) The Mayor's veto power shall not extend to those matters where the Council has acted as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented.
 - (3) Emergency Ordinances.
 - (4) The Annual Appropriations Ordinance.

- (5) The Salary Ordinance, which instead shall be subject to veto in accordance with the process described in section 290.
 - (6) The Mayor's veto power shall not extend to the appointment, confirmation, or removal of members of the Audit Committee or the screening committee as provided for in section 39.1, or the City Auditor as provided for in section 39.2.
- (b) Matters that are not subject to the Mayor's veto power shall be clearly indicated as such on the Council's agenda and within the body of the resolution or ordinance, which, pursuant to section 40, shall be signed as to form and legality by the City Attorney.
- (c) The following shall apply to each resolution and ordinance that has been passed by the Council and is subject to the Mayor's veto:
- (1) Each such resolution or ordinance shall, within forty-eight hours of passage, be transmitted to the Mayor by the City Clerk with appropriate notations of the action taken by the Council.
 - (2) The Mayor shall act upon each resolution or ordinance within ten business days of receiving the City Clerk's transmittal.
 - (3) The Mayor shall either approve the resolution or ordinance by signing and returning it to the City Clerk within the specified time limit, or shall veto any resolution or ordinance and return it to the City Clerk with his or her written objections within the specified time limit.
 - (4) Failure to return the resolution or ordinance within the specified time limit shall constitute approval and such resolution or ordinance shall take effect without the Mayor's signed approval. The City Clerk shall note this fact on the official copy of such resolution or ordinance.

(Added by vote on 11-02-2004; effective 01-01-2006.)

(Amendment voted 06-03-2008; effective 07-08-2008.)

Prior Language

Section 285: Enactment Over Veto

The Council shall reconsider any resolution or ordinance vetoed by the Mayor. While the Council consists of eight members, and if at least five members of the Council vote in favor of passage after reconsideration, that resolution or ordinance shall become effective notwithstanding the Mayor's veto. If more than five votes are required by this Charter or other superseding law to pass any resolution or ordinance, such larger vote shall be required to override the Mayor's veto. When a ninth councilmember is elected and qualified, the number of votes needed to override the Mayor's veto shall increase to six.

votes for any action taken by the nine-member Council. If a vetoed resolution or ordinance does not receive sufficient votes to override the Mayor's veto within thirty calendar days of such veto, that resolution or ordinance shall be deemed disapproved and have no legal effect.

(Added by vote on 11-02-2004; effective 01-01-2006.)

(Amendment voted 06-08-2010; effective 08-16-2010.)

Prior Language

Section 290: Council Consideration of Salary Ordinance and Budget; Special Veto Power

- (a) No later than April 15 of each year, the Council shall introduce a Salary Ordinance fixing the salaries of all officers and employees of the City in accordance with Charter section 70. The Salary Ordinance shall be proposed by the Mayor for Council introduction in a form consistent with any existing Memorandum of Understandings with recognized labor organizations, or otherwise in conformance with procedures governed by the Meyers-Miliias-Brown Act or any other legal requirements governing labor relations that are binding upon the City. Upon introduction, the Salary Ordinance shall be transmitted to the Mayor.
- (1) The Mayor shall, within five business days of receipt of the Salary Ordinance introduced by Council, either approve the ordinance as introduced or veto all or any specific provision within the ordinance.
 - (2) The Salary Ordinance shall be returned to the Council within the five business day period either approved by the Mayor or accompanied by a statement explaining any reasons for the veto. The Council shall thereafter have ten business days within which to override the veto and pass the Salary Ordinance as introduced or otherwise accept the changes proposed by the Mayor in the veto statement and pass the ordinance at second reading with the changes proposed by the Mayor.
 - (3) The Salary Ordinance passed by Council shall become a controlling document for preparation of the Annual Appropriation Ordinance for the ensuing fiscal year.
- (b) Prior to June 15 of each year, the Council shall satisfy its obligations under Charter section 71 by holding a minimum of two public hearings to consider the budget submitted by the Mayor. Prior to the June 15 deadline, and after at least two such public hearings have been held, the Council shall pass a resolution that either approves the budget as submitted by the Mayor or modifies the budget in

whole or in part. The Council's modifications may call for adding new items or for increasing or decreasing any item.

- (1) If approved by the Council as proposed by the Mayor, the budget shall become a controlling document for preparation of the Annual Appropriation Ordinance for the ensuing fiscal year.
- (2) If modified by the Council, the budget shall be returned to the Mayor as soon as practicable.
 - (A) The Mayor shall, within five business days of receipt either approve, veto, or modify any line item approved by the Council.
 - (B) The Council shall thereafter have five business days within which to override any vetoes or modifications made by the Mayor pursuant to section 290(b)(2)(A). Any item in the proposed budget that was vetoed or otherwise modified by the Mayor shall remain as vetoed or modified unless overridden as provided in section 285. In voting to override the actions of the Mayor, the Council may adopt either an amount it had previously approved or an amount in between the amount originally approved by the Council and the amount approved by the Mayor, subject to the balanced budget requirements set forth in section 71.
 - (C) Upon the expiration of the Council's five business day period, or sooner if the Council by five votes so directs, the budget as returned by the Mayor, and to the extent modified thereafter by the Council, shall become a controlling document for preparation of the Annual Appropriation Ordinance for the ensuing fiscal year.
- (c) As required by section 71, the Council shall adopt the Annual Appropriation Ordinance during the month of July.
- (d) The Mayor shall have no power of veto over the Annual Appropriation Ordinance.

(Added by vote on 11-02-2004; effective 01-01-2006.)

(Amendment voted 06-08-2010; effective 08-16-2010.)

Prior Language

Section 295: When Resolutions and Ordinances Take Effect; Emergency Measures

- (a) In the case of a resolution or ordinance for which the Mayor has veto power:

- (1) The date of approval by the Mayor pursuant to section 280(c) shall be deemed the date of its final passage.
 - (2) If the time for approval or veto by the Mayor has expired and no action has been taken by the Mayor, the date of expiration of that time shall be deemed the date of its final passage.
 - (3) If a resolution or ordinance is adopted by Council overriding the Mayor's veto, then the date of Council's override vote shall be deemed the date of final passage.
- (b) In the case of a resolution or ordinance for which the Mayor has no veto power, the date of passage by the Council shall be deemed the date of its final passage.
 - (c) Resolutions shall become effective immediately upon their final passage, unless otherwise stated therein.
 - (d) Ordinances making the annual tax levy, the annual appropriation ordinances, ordinances calling or relating to elections, and emergency measures, shall take effect at the time indicated therein. All other ordinances passed by the Council shall take effect at the time indicated therein, but not less than thirty calendar days from the date of their final passage. Ordinances adopted by vote of the electors shall take effect at the time indicated therein or the date the final canvass is issued by the County Registrar of Voters, whichever occurs later.
 - (e) An emergency measure is an ordinance to provide for the immediate preservation of the public peace, property, health, or safety, in which the emergency claimed is set forth and defined in the preamble thereto. The affirmative vote of at least six members elected to the Council shall be required to pass any ordinance as an emergency measure. No measure making or amending a grant, renewal, or extension of a franchise or other special privilege shall ever be passed as an emergency measure. No situation shall be declared an emergency by the Council except as defined in this section, and it is the intention of this Charter that the courts shall strictly construe compliance with such definition.

(Added by vote on 11-02-2004; effective 01-01-2006.)

I, Elizabeth S. Maland, Clerk of the City of San Diego, California, hereby certify that this is a true copy of papers on file and of record in the office of the Clerk of said city.

ELIZABETH S. MALAND, City Clerk

By *[Signature]*, Deputy

Dated 2-2-2012