

REFERENDARY PETITION

REFERENDUM AGAINST A LEGISLATIVE ACT ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO.

To the Honorable City Council of The City of San Diego:

We, the undersigned registered voters of The City of San Diego, California, hereby present this petition to the City Council of The City of San Diego, California, and ask that the City Council repeal, or submit to the registered voters of the City for their approval or rejection, that legislative act adopted by the City Council on the 8th day of March, 2005 of which the following is a full and correct copy:

RESOLUTION NUMBER R-300207 ADOPTED ON MARCH 8, 2005

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLINING TO ACCEPT THE OFFER OF THE UNITED STATES GOVERNMENT TO ACCEPT TRANSFER OF TITLE TO THE MT. SOLEDAD MEMORIAL PROPERTY

WHEREAS, on July 27, 2004, the San Diego City Council adopted Ordinance No. O-19306 placing Proposition K on the November 2, 2004, general municipal election for the City of San Diego, and

WHEREAS, Proposition K, if approved, would have authorized a further transfer of property located within the Mt. Soledad Natural Park and upon which is located the Mt. Soledad Cross and a war veteran memorial installed and maintained by the Mt. Soledad Memorial Association [Mt. Soledad Property]; and

WHEREAS, Proposition K failed to pass, receiving only about 40% of the vote; and

WHEREAS, the action taken by the City Council on July 27, 2004, also provided that if Proposition K failed, the City Attorney would enter into a proposed settlement agreement regarding the Mt. Soledad Cross and the case *Paulson v. City of San Diego*, United States District Court case no. 89cv00820-GT(POR); and

WHEREAS, on November 20, 2004, Congress adopted Bill No. 4818 (P.L. 108-447) which included a provision that, should the City of San Diego offer to donate the Mt. Soledad Property to the federal government, the National Park Service was required to accept title to the Mt. Soledad Property; and

WHEREAS, on February 24, 2005, the City Attorney issued a Memorandum of Law (ML-2005-4) expressing the opinion that while the City of San Diego otherwise had the authority to transfer the Mt. Soledad Property to the federal government, such a transfer would violate the federal and state constitutions; and

WHEREAS, a public hearing was set for March 8, 2005, on the matter of the disposition of the Mt. Soledad Property and the offer of the federal government to accept title to the Mt. Soledad Property; and

WHEREAS, the City Council received public testimony on the issues from a substantial number of speakers; and

WHEREAS, it is now appropriate for the City Council to respond to the offer of the federal government to accept the donation of the Mt. Soledad Property as set forth in Bill 4818 (P.L. 108-447); NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that the offer of the federal government to accept title to the Mt. Soledad Property, as set forth in Bill 4818 (P.L. 108-447) is hereby declined.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

Statement of Reasons

You can save the Mt. Soledad cross! The City Council refused to approve transfer of the Mt. Soledad Veterans War Memorial (including the cross) to the federal government for inclusion in the national parks system of war memorials. This transfer would put the memorial on federal land and was authorized by federal legislation written by San Diego Congress members Duncan Hunter and Randy 'Duke' Cunningham and signed into law by President Bush. The City Council refused that life line and is now planning to tear down the cross. Your

