

March 29, 1996

REPORT TO THE HONORABLE  
MAYOR AND CITY COUNCIL

ITEMS 50 AND 51 ON COUNCIL DOCKET OF APRIL 1,  
1996/ORDINANCE DEBARRING CONTRACTS AND ORDINANCE  
PROHIBITING ISSUANCE OF LAND USE PERMITS

At the March 19, 1996, City Council meeting, two ordinances were introduced: One ordinance amending Chapter II of the San Diego Municipal Code ("SDMC") to debar contracts to persons who violate certain campaign finance laws (Ordinance No. O-96-33); and, a second ordinance amending Chapter XI of the SDMC to prohibit issuance of land use permits to persons who violate certain campaign finance laws (Ordinance No. O-96-34). At the March 19 meeting, the City Council directed the City Attorney to amend both ordinances to clarify that they did not apply retroactively. The City Attorney was further directed to amend the land use ordinance to clarify that City decisionmakers at various levels would not deny a permit pursuant to that ordinance if a person or entity had a vested right to a particular permit or use of property.

The City Attorney has made the changes requested by Council. In the City Attorney's opinion, the language that was added pertaining to vested rights constitutes a substantive change to the land use ordinance (see page 2 of Ordinance No. O-96-34). Therefore, the City Attorney recommends that this ordinance be reintroduced as amended on April 1, 1996, the date which was set for its regularly scheduled second reading

and final adoption.

In the City Attorney's opinion, the amendments to both ordinances clarifying that they are to be of prospective application only are non-substantive. Therefore, standing alone these amendments do not require the ordinances to be reintroduced as amended. Nonetheless, for the sake of consistency and tracking, the City Attorney recommends that the Council continue the second reading and final adoption of the contract

debarment ordinance (Ordinance No. O-96-33) until such time as the land use ordinance receives its second reading and final adoption.

Respectfully submitted,

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City Attorney

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