

(O-85-31)

ORDINANCE NUMBER O- 16300 (NEW SERIES)

ADOPTED ON OCT 22 1984

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 2,  
DIVISION 9, OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTION 22.0905 RELATING TO BROKER'S  
FEE AND REGISTRATION

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

Section 1. That Chapter II, Article 2, Division 9, of the San Diego Municipal Code be and it is hereby amended by amending Section 22.0905 to read as follows:

SEC. 22.0905 REAL ESTATE BROKER'S REGISTRATION AND FEE

Whenever the City Council by resolution shall have determined to pay a real estate broker's commission (fee) in connection with the lease of City-owned real property as provided in Section 22.0901 or in connection with the sale of City-owned real property as provided in Section 22.0902, the commission payment will be made to the broker who meets all of the following conditions:

- a. Holds a valid State of California real estate broker's license; and
- b. Registers broker's name and address and client's name and address with the City Property Director, together with written confirmation by the client that the broker is authorized to represent the client for a specified property:

1. No later than the normal working day preceding the date fixed for the auction sale, or

2. In the case of a non-auction transaction, no later than the date of the first offer to lease or purchase or the date of the request to open negotiations to lease or purchase, whichever first occurs.

c. A broker who is a principal in the sale or lease transaction shall not be entitled to a commission. For purposes of this section, principals include officers, directors, shareholders, partners and other financial equity holders as determined by the City Manager at his sole discretion.

The City of San Diego may pay a real estate broker's sale or lease commission pursuant to a commission schedule adopted by resolution of the Council which is in effect at the time the sale or lease is presented for final Council approval.

Provided, however, the City Council shall have the right in every instance to reject any and all bids in any sale or any offer for any lease of City-owned real property without cause or liability and, in the event of such rejection, the City shall not be obligated to pay any broker's fee whatsoever; the intent of this provision is to make the payment of any real estate commission absolutely contingent upon the acceptance of the bid or of the negotiated agreement and the complete consummation of the sale or lease, including, in the case of a sale, receipt by the City of the

full purchase price. A broker not registered under the provisions hereof shall not be entitled to a commission from the City. Any dispute between brokers as to which broker is entitled to receive the broker's commission shall be decided by the City Manager, in accordance with recognized real estate industry arbitration procedures as set forth in the California Code of Civil Procedure. If a commission is due and payable to any real estate broker as provided herein, the City shall pay the same out of the money received as the purchase price of the property sold or out of the money received as lease payments.

Provided further, when the amount of purchase price or rental offered is a criterion for selecting a purchaser or lessee of City property in a competitive situation, the City will consider the highest net purchase price or highest net rental offered, taking into account any brokerage fee involved.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By   
Harold O. Valderhaug, Deputy

HOV:ps  
8/9/84  
Or.Dept:Prop.  
Job:900003  
0-85-31  
Form=o.none

OCT 22 1984

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Barbara Baxter*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

OCT 8 1984

OCT 22 1984

, and on \_\_\_\_\_

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Barbara Baxter*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-16300** Adopted **OCT 22 1984**

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
1984 NOV -8 AM 9:37  
SAN DIEGO, CALIF.

CITY OF SAN DIEGO  
202 C Street, 12th Floor  
San Diego, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NUMBER O-16300

**ORDINANCE NUMBER O-16300  
(NEW SERIES)**

**AN ORDINANCE AMENDING CHAPTER II, ARTICLE 2, DIVISION 9, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.0905 RELATING TO BROKER'S FEE AND REGISTRATION.**

BE IT ORDAINED, by the Council of The City of San Diego,

as follows:

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- a. Holds a valid State of California real estate broker's license; and
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2. In the case of a non-auction transaction, no later than the date of the first offer to lease or purchase or the date of the request to open negotiations to lease or purchase, whichever first occurs.

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The City of San Diego may pay a real estate broker's sale or lease commission pursuant to a commission schedule adopted by resolution of the Council which is in effect at the time the sale or lease is presented for final Council approval.

I, Michael L. Ungashick, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

**ORDINANCE NUMBER O-16300  
(NEW SERIES)**

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

November 5, 1984

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 5th day of Nov., 19 84.

133 3/4 X 9.762 133.76

01585 Michael L. Ungashick  
(Signature)  
Page 1 of 2

Provided, however, the City Council shall have the right in every instance to reject any and all bids in any sale or any offer for any piece of City-owned real property without cause or liability and, in the event of such rejection, the City shall not be obligated to pay any broker's fee whatsoever; the intent of this provision is to make the payment of any real estate commission absolutely contingent upon the acceptance of the bid or of the negotiated agreement and the complete consummation of the sale or lease, including, in the case of a sale, receipt by the City of the full purchase price. A broker not registered under the provisions hereof shall not be entitled to a commission from the City. Any dispute between brokers as to which broker is entitled to receive the broker's commission shall be decided by the City Manager, in accordance with recognized real estate industry arbitration procedures as set forth in the California Code of Civil Procedure. If a commission is due and payable to any real estate broker as provided herein, the City shall pay the same out of the money received as the purchase price of the property sold or out of the money received as lease payments.

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Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced OCT 6 1964

Passed and adopted by the Council of The City of San Diego OCT 22 1964

AUTHENTICATED BY:  
ROGER HEDGECOCK  
Mayor of The City of San Diego, California  
CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California

(SEAL)  
By BARBARA BAXTER, Deputy  
Publish Nov. 5

5997