

(0-85-149)

ORDINANCE NUMBER O- 16402 (New Series)

ADOPTED ON APR 15 1985

AN ORDINANCE AMENDING ORDINANCE NO. O-16249 (NEW SERIES), AS AMENDED, ENTITLED "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 1984-85 AND APPROPRIATING THE NECESSARY MONEY TO OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR" BY AMENDING DOCUMENT NO. OO-16249-1, AS AMENDED AND ADOPTED THEREIN, BY AMENDING SECTION 2.II, ENTITLED "SPECIAL REVENUE FUNDS" TO ADD THERETO A NEW FUND ENTITLED "FACILITIES FINANCING OPERATION FUND (10250)" AND PROVIDING THAT EXCESS FUNDS THEREIN BE EXPENDED ONLY BY COUNCIL RESOLUTION; DECLARING SAID FACILITIES FINANCING OPERATION FUND (10250) EXEMPT FROM THE LIMITATIONS OF PROPOSITION "J" AND THE CALCULATIONS ASSOCIATED THEREWITH; ADDING SIX (6) NEW POSITIONS TO THE PERSONNEL AUTHORIZATION OF THE FUND (10250); TRANSFERRING FOUR (4) EXISTING POSITIONS FROM THE GENERAL FUND 100, ENGINEERING AND DEVELOPMENT DEPARTMENT FACILITIES FINANCING PROGRAM (54046) TO THE NEWLY CREATED FACILITIES FINANCING OPERATIONS FUND (10250); AND TRANSFERRING THE SUM OF \$183,798 FROM VARIOUS EXISTING FUNDS AND THE ENGINEERING AND DEVELOPMENT DEPARTMENT FACILITIES FINANCING PROGRAM (54046) TO THE NEWLY CREATED FACILITIES FINANCING OPERATIONS FUND (10250) FOR THE SOLE AND EXCLUSIVE PURPOSE OF FULLY FUNDING PERSONNEL AND NON-PERSONNEL COSTS FOR THE REMAINDER OF FISCAL YEAR 1985.

WHEREAS, the Supreme Court of the State of California in the Fall of 1984 upheld the City's Facility Benefit Assessment Program, which program is envisioned as a principal financing tool in planned urbanizing communities; and

WHEREAS, at the time the Supreme Court's decision was reported to Council, it was indicated that additional staffing

would be sought in order to expand the application of this program to additional communities; and

WHEREAS, during the past months, a detailed staff analysis has been developed and the scope of the facility financing efforts has been quantified; and

WHEREAS, since 1980, the Engineering and Development Department has had a Facilities Financing Section responsible for the preparation and administration of Facilities Benefit Assessment Districts, preparation of Community Financing Plans, Special Park Fee Districts, Development Impact Fee development and administration funded by the General Fund 100, and the implementation of construction of capital projects funded with fees and assessments collected; and

WHEREAS, since the initiation of the existing Facilities Financing Section Engineering and Development in 1980, the costs directly attributable to the preparation and administration of the Financing Plan have been accumulated and will be repaid to the General Fund for the monies that have been advanced in initiating and carrying out the program when monies become available; and

WHEREAS, in order to provide the necessary staff to carry out the several functions relating to Facility Financing with the maximum accountability, it is proposed to establish a separate "Fund" in the budget to be known as the "Facilities Financing Operating Fund"; and

WHEREAS, the Fund will contain all the elements of a Division and will be under the administrative and operational control of the Engineering and Development Department; and

WHEREAS, the majority of the funds that will provide revenue to support the Fund will come from assessments, fees and charges collected from the private sector (developers, buildings, landowners) in connection with the implementation of programs to provide necessary public facilities in developing communities which is the basis for the recommendation to exempt the proposed fund from Proposition "J"; and

WHEREAS, the primary intent of Proposition "J" was to limit appropriation increases in General Government expenditures; however, Proposition "J" excludes certain special funds which are characterized by the fact that the costs of services they provide are entirely offset by user fees or other non-general tax revenues; and

WHEREAS, as per the City Attorney, the passage of State Proposition 4 in 1979 had the effect of making the status of Proposition "J" that of Council Policy and, as such, it is within the City Council's authority to exempt the Facilities Financing Operations Fund from the Proposition "J" limit; and

WHEREAS, it is desirable to exempt the Facilities Financing Operations Fund function from Proposition "J"; and

WHEREAS, the City Manager, in his report entitled "Proposed Facility Financing Division," set forth the issue, background, discussion thereon and recommendation in respect to creating a Facilities Financing Operations Fund and exempting the budgetary allocations thereto from the limitations imposed by Proposition "J"; and

WHEREAS, it is necessary and required to amend the annual appropriation ordinance in order to effectuate said recommendations and exempt said fund from the limitations of Proposition "J"; NOW, THEREFORE,

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

Section 1. That Ordinance No. O-16249 (New Series), as amended entitled "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 1984-85 AND APPROPRIATING THE NECESSARY MONEY TO OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR," be and the same is hereby amended by amending Document No. OO-16249-1, as adopted and amended therein, by amending Section 2.II, entitled "SPECIAL REVENUE FUNDS" by adding thereto a new fund entitled "FACILITIES FINANCING OPERATION FUND (10250)", for the purpose of funding the costs associated with the operation of the Facilities Financing Program, providing further that interest earnings generated by designated monies be deposited in said Fund and further providing that all monies deposited in excess of the estimated revenue be appropriated and be expended only by resolution of the City Council.

Section 2. That the newly created Facilities Financing Operations Fund (10250) be and the same is hereby declared to be exempt from the limitations of Proposition "J" and the calculations associated therewith.

Section 3. That the personnel authorization for Fund 10250 be established to reflect the following newly authorized positions:

- One (1.00) Deputy Director
- One (1.00) Senior Civil Engineer
- One (1.00) Associate Civil Engineer
- One (1.00) Project Officer I
- One (1.00) Drafting Aide
- One (1.00) Intermediate Typist

Section 4. That the Auditor and Comptroller be and he is ~~hereby directed~~ to transfer the sum of \$143,000 from the following funds for appropriation to the Facilities Financing Operations Fund (10250) for salaries and wages (\$49,065) and non-personnel expense (\$93,935) for the newly authorized positions set forth in Section 3 above:

<u>COMMUNITY</u>	<u>FUND NO.</u>	<u>AMOUNT</u>
North City West	79002	\$ 38,000.00
North University City	79001	90,000.00
Mira Mesa	39052	4,000.00
Penasquitos East	39055	3,000.00
Rancho Bernardo	39056	1,000.00
Sabre Springs	39057	1,000.00
Scripps Ranch	39058	3,000.00
Fairbanks Country Club	39051	3,000.00
	TOTAL	<u>\$143,000.00</u>

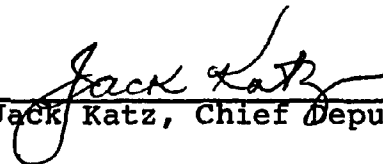
Section 5. That the following positions are hereby transferred from the General Fund 100, Engineering and Development Department Facilities Financing Program (54046) to the personnel authorization of the newly created Facilities Financing Operations Fund (10250):

- One (1.00) Community Development Specialist IV
- One (1.00) Project Officer I
- One (1.00) Drafting Aide
- One (1.00) Intermediate Typist

Section 6. That the Auditor and Comptroller be and he is hereby authorized to transfer the sum of \$40,798 from the General Fund 100, Engineering and Development Department (540) to the newly created Facilities Financing Operations Fund (10250) for salaries and wages (\$27,315) and non-personnel expense (\$13,483) for the positions authorized for transfer in Section 5 above.

Section 7. This ordinance shall take effect and be in force immediately upon its passage after two (2) public hearings pursuant to the authority contained in sections 16, 17 and 71 of the Charter of The City of San Diego.

APPROVED: John W. Witt, City Attorney

By   
Jack Katz, Chief Deputy

JK:smm  
3/13/85  
Or.Dept:E&D  
O-85-149  
Aud.Cert.:85826  
Form:o.brec

The City of San Diego  
**CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATION OF UNALLOTTED BALANCE AC 85826

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$ 183,798.00 Fund 100 / 79001 / 39051 / 39052 / 39055 / 39056 / 39057 / 39058 / 79002

Purpose Authorize a new fund, Facilities Financing Operations, the transfer of \$143,000.00 from the Facilities Benefit Assessment and Facility Development Funds to the new fund and the transfer of \$40,798.00 from the General Fund Engineering Department Budget to the new fund.

*Dr Ryan*  
 Auditor and Comptroller  
*Lane Bradley*

Date March 11, 1985

By \_\_\_\_\_

ACCOUNTING DATA										
ACCTG LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPER. ACCT.	BENF/EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said moneys now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to exceed \$ \_\_\_\_\_

Auditor and Comptroller

Dated \_\_\_\_\_, 19\_\_\_\_

BY \_\_\_\_\_

PURPOSE \_\_\_\_\_

VENDOR \_\_\_\_\_

ACCOUNTING DATA										
ACCTG LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPER. ACCT.	BENF/EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

APR 15 1985

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 Struikma	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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.

(Seal)

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.  
By *Barbara Baxter*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on APR 15 1985, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

~~I FURTHER CERTIFY that the final reading of said ordinance was in full.~~

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.

(Seal)

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.  
By *Barbara Baxter*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number O-16402 Adopted APR 15 1985



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 Struikma	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Barbara Baxter*, Deputy.

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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

RECEIVED  
CITY CLERK'S OFFICE

1985 MAR 27 PM 3: 16

SAN DIEGO, CALIF.

00492

CERTIFICATE OF PUBLICATION

1985 MAY -3 AM 11:24  
SAN DIEGO, CALIF.

THE CITY OF SAN DIEGO  
202 C Street, 12th Fl.  
San Diego, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING ORDINANCE NO. 0-16249 (NEW SERIES)  
AS AMENDED, ENTITLED "AN ORDINANCE ADOPTING THE ANNUAL  
BUDGET FOR THE FISCAL YEAR 1984-85

**ORDINANCE NUMBER 0-16402 (New Series)**  
AN ORDINANCE AMENDING ORDINANCE NO. 0-16249 (NEW SERIES) AS AMENDED, ENTITLED "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 1984-85 AND APPROPRIATING THE NECESSARY MONEY TO OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR," BY AMENDING DOCUMENT NO. 00-16249, AS AMENDED AND ADOPTED THEREIN, BY AMENDING SECTION 2.11, ENTITLED "SPECIAL REVENUE FUNDS" TO ADD THERETO A NEW FUND ENTITLED "FACILITIES FINANCING OPERATION FUND (10250)" AND PROVIDING THAT EXPENSES THEREIN BE EXPENDED ONLY BY COUNCIL RESOLUTION; DECLARING SAID "FACILITIES FINANCING OPERATION FUND (10250)" EXEMPT FROM THE LIMITATIONS OF PROPOSITION "J" AND THE CALCULATIONS ASSOCIATED THEREWITH; ADDING SIX (6) NEW POSITIONS TO THE PERSONNEL AUTHORIZATION OF THE FUND (10250); TRANSFERRING FOUR (4) EXISTING POSITIONS FROM THE GENERAL FUND 100, ENGINEERING AND DEVELOPMENT DEPARTMENT FACILITIES FINANCING PROGRAM (8404) TO THE NEWLY CREATED FACILITIES FINANCING OPERATIONS FUND (10250); AND TRANSFERRING THE SUM OF \$183,798 FROM VARIOUS EXISTING FUNDS AND THE ENGINEERING AND DEVELOPMENT DEPARTMENT FACILITIES FINANCING PROGRAM (8404) TO THE NEWLY CREATED FACILITIES FINANCING OPERATIONS FUND (10250) FOR THE SOLE AND EXCLUSIVE PURPOSE OF FULLY FUNDING PERSONNEL AND NON-PERSONNEL COSTS FOR THE REMAINDER OF FISCAL YEAR 1985.  
This ordinance amends the annual appropriation ordinance by adding to Section 2.11 thereof, entitled "Special Revenue Funds," a new fund to be entitled "Facilities Financing Operation Fund (10250)" and exempting said new fund from the budgetary limitations of Proposition "J"; adding six (6) new position and transferring four (4) existing positions to the personnel authorization of the new Fund (10250); and transferring the sum of \$183,798 from various existing funds and the Engineering and Development Department to the newly created Fund (10250) for the purpose of fully funding personnel and non-personnel costs for the remainder of fiscal year 1985.  
Introduced, reading dispensed with and adopted by the City Council of The City of San Diego on APR 16, 1985.  
ATTESTED BY:  
ROGER HEDGECOCK  
Mayor of The City of San Diego, California  
CHARLES G. ABDELNOUR,  
City Clerk of The City of San Diego, California  
SUSAN BAXTER, Deputy  
witness April 30, 1985 17484

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 0-16402 (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:

April 30, 1985

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

Dated at San Diego, California this 30th day of Apr., 19 85.

Michael L. Ungashick  
(Signature)

4 1/2 x 2 x 9.76 = 87.84

00493