

ORDINANCE NUMBER O- 16713 (NEW SERIES)

ADOPTED ON SEP 22 1986

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 5, DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 65.0201 AND 65.0202 AND BY ADDING SECTION 65.0209.5 RELATING TO THE SAN DIEGO MAINTENANCE DISTRICT PROCEDURAL ORDINANCE OF 1975.

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

Section 1. That Chapter VI, Article 5, Division 2, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 65.0201 and 65.0202 to read as follows:

SEC. 65.0201 PURPOSE AND INTENT

It is the purpose and intent of this Division to establish a method by which landscaping, statuary, fountains, or other ornamental structures and appurtenant facilities or public lighting systems and appurtenant facilities may be constructed, installed, and/or maintained; the costs of which are to be assessed to property which is adjacent to or in the vicinity of such systems or facilities and which is receiving benefit therefrom; and it is further the intent and purpose of this Division to establish a procedure by which such assessments may be collected.

It is also the purpose and intent of this Division to provide a method whereby the City Council may authorize substantial involvement by a representative agency, which

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shall represent the affected property owners in the maintenance district whereby the affected property owners may participate in the review of proposed plans and specifications for maintenance district contracts and in the letting of such contracts and in the administration of such contracts.

SEC. 65.0202 TITLE

This Division may be cited as the San Diego Maintenance District Procedural Ordinance of 1986.

Section 2. That Chapter VI, Article 5, Division 2 of the San Diego Municipal Code be and the same is hereby amended by adding Section 65.0209.5 to read as follows:

SEC. 65.0209.5 ALTERNATIVE MANNER FOR MAKING IMPROVEMENTS

As a result of a number of years of experience in connection with the preparation of plans and specifications for work to be done in landscape maintenance districts, and in connection with the awarding of contracts for landscape maintenance, and in connection with the administration of such contracts, it has become apparent that it is appropriate and in the public's best interest to provide, at the City Council's option, an alternative method of preparing such plans and specifications of awarding such contracts and of administering such contracts. Experience has indicated that assessees desire to have significant input in the process of preparing plans and specifications, awarding and administering contracts.

In view of the above factors, the City has determined, at its option in each case in connection with landscape maintenance districts, to follow the following general guidelines in connection with such districts. The following are guidelines only, to be followed to the extent feasible by City staff, but failure to follow the guidelines shall in no event result in any liability on the part of the City, or void any contract so let.

1. In connection with ongoing landscape maintenance districts, City staff, by September 30 of each year, shall conduct at least one noticed meeting with proposed assessees to discuss the proposed level of service and landscape maintenance for the following year. Notice of the meeting shall be given by publication in a newspaper of general circulation, by posting at least ten (10) notices in public places in each district, by notifying the duly recognized community planning group, and by notifying community newspapers serving the area, if any.

2. In the event the landscape maintenance district boundaries are the same as the boundaries of a community represented by a community planning group that has been established under applicable Planning Department and City guidelines, the community planning group shall be the representative for the assessees within the district for the purposes of this ordinance. However, any assessee within the landscape maintenance district shall

also, as an individual, have the right to address the City Council and City staff with regard to individual concerns of such assessee. In those situations where the maintenance district boundary is not the same as the boundary for an established community planning group, the assessees may establish their own designated representatives to speak for the assessees generally. In such event, however, each assessee shall also continue to have the right to address the City Council and City staff with regard to individual assessment district concerns.

3. By April 30 of the following year, City staff shall finalize the plans and specifications for landscape maintenance, taking into consideration any comments received from proposed assessees, and the budget for such maintenance and shall docket for City Council review a resolution of intention to levy the assessment for the performance of the work.

4. The hearing with regard to the levying of the assessments shall be docketed for City Council consideration in the month of July.

5. As a general rule, contracts for landscape maintenance district work shall be let in the period of July through September.

6. During the term of the contract, City staff shall meet on a regular basis with representative(s) of the assessees to evaluate the performance of the

contractors, to advise City staff regarding special projects and regular maintenance.

7. In connection with the awarding of contracts for landscape maintenance, the Purchasing Agent shall place before the City Council a resolution authorizing the advertising for bids and the awarding of the contract.

8. Upon receipt of the bids a representative of the Park and Recreation Department and a representative of the Purchasing Department shall meet with representatives of the assessesees to review the bid.

9. After such review, the contract for landscape maintenance shall be awarded to the low responsive and responsible bidder unless the City Manager and/or the representative of the assessesees protest such award by delivering to the Purchasing Agent within fifteen (15) days after the above specified bid review a document stating opposition to such award and the reasons in support of awarding the contract to other than the low bidder. In those instances where there is no official representative or representatives for the assessesees within a district, such protest may also be made by submitting a document expressing the protest and reasons for awarding to other than the low bidder, which document must be signed by owners of properties representing at least twenty-five percent (25%) of the parcel area in the district. Such document must be

delivered within fifteen (15) days after the above specified bid review. In all instances where there are fewer than 500 parcels in the assessment district any protest pursuant to this section must be accompanied by a protest document signed by owners of properties representing at least twenty-five percent (25%) of the parcel area in the district.

10. In the event the document protesting the award to the low responsive and responsible bidder, as specified above, is delivered to the Purchasing Agent within fifteen (15) days, the Purchasing Agent shall docket the matter of the award of the contract for City Council review at the earliest practical date.

11. The City Council may, after review of the bidders and upon a determination that the contract for stated good cause should be awarded to someone other than the low bidder, award the contract to other than the low bidder in accordance with the conditions set forth in Section 22.0210.1 of the Municipal Code.

12. The City Council may, at its sole discretion, recognize a non-profit corporation representing the owners of at least two-thirds of the parcel area in the district as a proper agent for the purpose of administering landscape maintenance contracts. Any non-profit corporation wishing to establish a right to administer a contract shall provide written documentation to the City Council that it in fact is

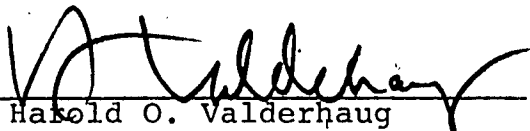
supported by the owners of two-thirds of the parcel area for the purpose of administering the contract.

13. The City Council may, at its sole discretion, contract with such non-profit corporation to administer the landscape maintenance contract. In such event, the non-profit corporation shall agree to hold the City free and harmless from any damages and shall provide a comprehensive public liability insurance policy satisfactory to the City Manager and City Attorney. The contract shall provide for administration of the contract through on-site inspections by a representative of the non-profit corporation pursuant to which inspections the City will be authorized to pay for work done by the contractor.

Section 3. 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 City Attorney

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08/13/86 REV.1  
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Passed and adopted by the Council of The City of San Diego on SEP 22 1986  
 by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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 Struiksma	<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"/>
Judy McCarty	<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 Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY: MAUREEN O'CONNOR  
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, 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

SEP 8 1986, and on SEP 22 1986

~~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 Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number J-16713 Adopted SEP 22 1986

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CERTIFICATE OF PUBLICATION

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CITY OF SAN DIEGO  
202 C STREET  
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SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 5, DIVISION  
2, OF THE SAN DIEGO MUNICIPAL CODE

THOMAS D. KELLEHER

I, \_\_\_\_\_, 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

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This ordinance amends Chapter VI, Article 5, Division 2, of the San Diego Municipal Code by amending Sections 65.0201 and 65.0202 and by adding Section 65.0209.5 relating to the San Diego Maintenance District Procedural Ordinance of 1975, and which ordinance provides for additional input by proposed assesses with regard to the plans and specifications for landscape maintenance and with regard to the review of bids for landscape maintenance contracts.

A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced on September 8, 1986  
Passed and adopted by the Council of The City of San Diego on September 22, 1986

**AUTHENTICATED BY: MAUREEN O'CONNOR**  
Mayor of The City of San Diego, California  
**CHARLES G. ABDELNOUR**  
City Clerk of The City of San Diego, California  
By **ELLEN BOVARD**, Deputy

Pub. October 6

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ORDINANCE NUMBER 0-16713

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:

OCTOBER 6, 1986.

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

Dated at San Diego, California this 6 day of OCT., 19 86

*Thomas D. Kelleher*

(Signature)

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