

(O-91-51)

ORDINANCE NUMBER O-17524 (NEW SERIES)

ADOPTED ON SEP 10 1990

AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O-17509 (NEW SERIES) ADOPTED AUGUST 6, 1990, WHICH AMENDED CHAPTER III OF THE SAN DIEGO MUNICIPAL CODE BY ADDING ARTICLE 8, SECTIONS 38.0101, 38.0102, 38.0103, 38.0111, 38.0112, 38.0113, 38.0114, 38.0115, 38.0116, 38.0117, 38.0118, 38.0121, 38.0122, 38.0123, 38.0124, 38.0127, 38.0128, 38.0136, 38.0137 AND 38.0138, ESTABLISHING A TRANSIENT TRANSPORTATION TAX.

WHEREAS, by Ordinance No. O-17509 (New Series), adopted August 6, 1990, and effective September 6, 1990, this City Council established a transient transportation tax, the proceeds of which are to be deposited to the general fund; and

WHEREAS, said tax is deemed to be in the nature of an impact fee for the additional impacts of transient vehicles on City services and facilities; and

WHEREAS, the State Board of Equalization has preliminarily concluded that said tax may be more in the nature of a sales tax, the collection of which may contravene the provisions of the Bradley-Burns Act, Revenue and Taxation Code section 7203.5, which would thereby cause that portion of City sales tax revenues collected by the State to be subvented to the County and not be remitted to the City; and

WHEREAS, this loss of revenue has the potential to severely disrupt City revenue collections and public services and safety; and

WHEREAS, the State Board of Equalization intends to submit its tentative ruling to the State Attorney General for review; and

WHEREAS, the Bradley-Burns Act will not apply to prevent the loss of revenue to the City for any period when such tax is not collected; and

WHEREAS, the City Council of The City of San Diego deems it essential to defer imposition and collection of the Transient Transportation Tax until this issue is resolved; and

WHEREAS, the City Council therefore considers the potential loss of revenue due to the proposed implementation of this tax to constitute an emergency within the meaning of section 17 of the San Diego City Charter; NOW, THEREFORE,

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

Section 1. That the provisions of Section 2 of Ordinance No. O-17509 (New Series), adopted August 6, 1990, shall be amended to read as follows:

Section 2. This ordinance shall take effect and be in force on January 1, 1991, or on the thirtieth day from and after its passage, whichever is later.

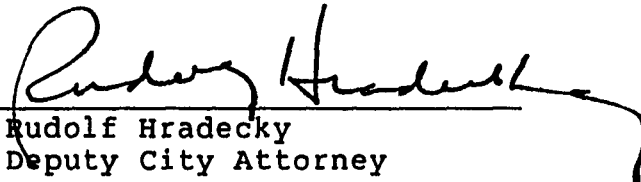
Section 2. The imposition of any tax adopted by Ordinance No. O-17509 (New Series) and its collection between the dates of September 6, 1990, and the date of adoption of this ordinance is hereby waived and shall not be collected, notwithstanding any later administrative or judicial decision or determination to the

contrary.

Section 3. This ordinance shall take effect and be in force immediately upon its adoption pursuant to the provisions of section 17 of the City Charter of San Diego, the Council having determined that said ordinance constitutes an emergency measure within the meaning of section 17 in order to provide for the immediate preservation of the public peace, property, health or safety.

Section 4. The City Clerk shall cause a copy of this ordinance to be inserted as a note to the provisions of Chapter III, Article 8, of the San Diego Municipal Code, when printed.

APPROVED: JOHN W. WITT, City Attorney

By   
Rudolf Hradecky  
Deputy City Attorney

RH:ps  
09/05/90  
Or.Dept:Fin.Mgmt.  
O-91-51  
Form=o+t

71405

SEP 10 1990

Passed and adopted by the Council of The City of San Diego on.....  
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"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 passed on the day of its introduction, to wit, on  
**SEP 10 1990**, 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.

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 **0-17524** Adopted **SEP 10 1990**

RECEIVED

90 SEP -6 PM 1:12

CITY CLERKS OFFICE  
SAN DIEGO, CA

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
90 SEP 27 AM 11:53  
SAN DIEGO, CALIF. *W*

CITY CLERK'S OFFICE  
CITY ADM. BLDG.  
202 C ST., 2ND FLOOR  
SAN DIEGO, CA. 92101  
ATTN: ELLEN BOVARD

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING ORDINANCE NO. 0-17504 (NEW SERIES),...

**ORDINANCE NUMBER 0-17525 (NEW SERIES)**  
AN ORDINANCE AMENDING ORDINANCE NO. 0-17504 (NEW SERIES), AS AMENDED, ENTITLED "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 1990-91 AND APPROPRIATING THE NECESSARY MONEY TO OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR" BY AMENDING DOCUMENT NO. 00-17504-1, AS AMENDED AND ADOPTED THEREIN, BY AMENDING THE PERSONNEL AUTHORIZATION OF THE FIRE DEPARTMENT (120) TO DELETE ONE (1.00) BATTALION CHIEF POSITION AND ADD IN LIEU THEREOF ONE (1.00) ASSISTANT TO THE FIRE CHIEF (PERSONNEL MANAGER) POSITION; EXEMPTING SAID ASSISTANT TO THE FIRE CHIEF FROM THE CLASSIFIED SERVICE; AND ESTABLISHING A SALARY RATE THEREOF.  
This ordinance amends the annual budget by amending the personnel authorization of the Fire Department (120) to delete one (1.00) Battalion Chief position and add one (1.00) Assistant to the Fire Chief (Personnel Manager). The ordinance also exempts the new position from the classified service and sets a salary rate for said new position.  
A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City Administration Building, 202 "C" Street, San Diego, CA 92101.  
Introduced, reading dispensed with and adopted by the City Council of The City of San Diego September 11, 1990  
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. September 24 1990

I, THOMAS D. KELLEHER, 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

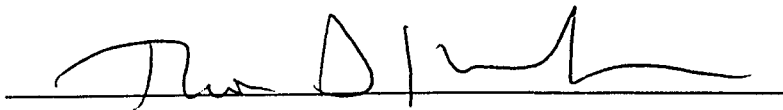
ORDINANCE NUMBER 0-17525 (NEW SERIES)

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:

SEPT. 24

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

Dated at San Diego, California this 24TH day of SEPT, 19 90.

  
(Signature)

3 1/8 x 2 = 78.00