

(O-91-10)

ORDINANCE NUMBER O- 17527 (NEW SERIES)

ADOPTED ON SEP 17 1990

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 1, DIVISION 20, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 61.2004 and 61.2040 AND BY ADDING SECTIONS 61.2045, 61.2046 AND 61.2063 RELATING TO THE SAN DIEGO PARK FACILITIES DISTRICT PROCEDURAL ORDINANCE.

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

Section 1. That Chapter VI, Article 1, Division 20, of the San Diego Municipal Code be and the same is hereby amended by amending Section 61.2004 to read as follows:

SEC. 61.2004 Procedure

Excepting as to matters therein inconsistent with the intent, purposes and provisions of this Division, the provisions of the Community Facilities Law of 1911, being Chapter 1, (commencing with Section 4600), Part 3, Division 5, Health and Safety Code of the State of California, excepting Article 2a, subdivision (d) of Section 4616, Section 4618, the first sentence of Section 6423 and Sections 4623.5 and 4638, thereof, and the provisions of Article 9 (commencing with Section 53550), as modified by Article 11 (commencing with Section 53580), Chapter 3, Part 1, Division 2, Title 5, Government Code of the State of California, excepting Section 53569, thereof, shall apply to the formation and government of such districts.

Section 2. That Chapter VI, Article 1, Division 20, of the San Diego Municipal Code be and the same is hereby amended by amending Section 61.2040 to read as follows:

SEC. 61.2040 Resolutions

The Council may adopt such resolutions and take such actions and proceedings as are necessary or useful to call, canvass and declare the results of elections at which propositions of incurring bonded indebtedness to provide funds for the acquisition of park facilities will have been submitted for the approval of the voters of a district, the issuance and sale of the bonds and all other matters relating thereto.

The Council may adopt successive subsequent resolutions and take successive subsequent actions and proceedings for additional elections for such purpose without regard to the result of any initial or subsequent election.

Section 3. That Chapter VI, Article 1, Division 20, of the San Diego Municipal Code be and the same is hereby amended by adding Sections 61.2045, 61.2046 and 61.2063 to read as follows:

SEC. 61.2045 Annual Special Assessment Tax

Until the bonds are paid, or until there is a sum in the City treasury set aside for the purpose, sufficient to meet all sums coming due for the principal and interest on the bonds, the Council shall, at the time of fixing, and in the manner now or hereafter provided for the general City property tax levy, levy and collect, or cause to be levied and collected, each year upon the taxable real property

situated in the district, and upon that property only, a special assessment tax sufficient to pay the interest on the bonds as it falls due, and also such part of the principal as will become due before the proceeds of a special assessment tax levied at the next general property tax levy will be available. Said special assessment tax levy shall be levied and collected, upon the tax roll upon which general City property taxes are collected, it shall be in addition to all other taxes levied for general City purposes, and shall be levied, computed, entered, collected and enforced in the same manner and by the same persons and at the same time, and with the same penalties and interest, as are other taxes for City purposes, and all laws applicable to the levy, collection and enforcement of taxes for City purposes are made applicable to said special assessment tax levy, and be subject to redemption at the same time and in the same manner as such real property is redeemed from the sale for general City taxes, and if not redeemed in like manner pass to the purchaser.

The supplemental remedy provisions of Part 13 (commencing with Section 8800) of Division 10 of the Streets and Highways Code, excepting Sections 8804 and 8809, thereof, shall apply.

SEC. 61.2046 Reassessment, Proceedings

If any court of competent jurisdiction determines that any proceedings, steps or actions taken or purporting to have been taken, or any bond or bonds issued, or any levy of

a special assessment tax made under this division is or are void, invalid or unenforceable for any reason, said court shall also order that reassessment proceedings consistent with such determination be conducted in the manner herein provided and, if the validity of any outstanding bonds is tainted by such determination, that new bonds be issued in the place thereof. The Council may also order reassessment proceedings, and, if necessary, the issuance of new bonds, if it determines the existence of such voidness, invalidity or unenforceability. The reassessment proceedings and, if necessary, the issuance of new bonds, shall be conducted and accomplished by the Council in the manner hereinafter provided.

If the reassessment provides for the use of an assessment roll equalized pursuant to notice and hearing procedures conducted by the Board of Supervisors of San Diego County and the State Board of Equalization or other duly constituted legal forum, the reassessment may be ordered by the Council by resolution without notice and hearing. If the reassessment provides for the application of a benefit formula, it may be ordered only after the conduct of a public hearing by the Council. Notice of such hearing shall set forth (a) the name and number of the district, (b) that the Council proposes to order a reassessment, (c) the proposed benefit formula, (d) a time and place of hearing and (e) a statement that any owner of taxable real property in the district, may file a written

protest against the proposed reassessment at or before the time fixed for hearing and that any person interested may appear at the hearing, present evidence orally or in writing, and be heard by the Council. Said notice shall be published and posted in the time and manner required by Section 61.2053 with respect to the resolution of intention therein referred to, and mailed to the persons identified and in the manner set forth in Section 5321 of the Government Code, of the State of California, such mailing to be completed at ten (10) days prior to the date set for hearing.

Any such reassessment together with any other source of funds identified in the reassessment proceedings, shall constitute the security for the outstanding bonds or any new bonds issued pursuant to this section.

Reassessment proceedings may be conducted pursuant to this section regardless of whether the acquisition and construction of the park facilities being financed has commenced, is under construction or is complete.

SEC. 61.2063 Maintenance Assessment

The Council may, subject to the procedural requirements of this section, at the time of fixing and in the manner now or hereafter provided for the general City property tax levy, levy and collect, or, cause to be levied and collected, in any year upon the taxable real property in the district, and upon that property only, a special assessment tax not to exceed twenty cents (\$0.20) on each one hundred dollars

(\$100) of assessed valuation, for the purpose of paying the costs of maintenance and operation of any improvement made for the benefit of the district, and which has been described in the proceedings for including specific park facilities in the district pursuant to Part 5 or in proceedings taken pursuant to Section 4603 of the Health and Safety Code. If the Council intends to levy any such special assessment tax with respect to any such improvement, the notices required by said Part 5 or Section 4603, as the case may be, shall contain a statement to that effect.


The special assessment taxes levied pursuant to this section shall be in addition to all other taxes levied for City purposes and in addition to the taxes levied pursuant to Section 61.2044 and the proceeds thereof shall be used for no purpose other than the purposes permitted by this section.

Section 4. The changes made by Section 2 of this ordinance are declaratory of existing law.

Section 5. The change in the exception relating to Section 4638 of the Health and Safety Code made by Section 1 and the changes by Section 3 of this ordinance shall not apply to taxes levied after the effective date of this ordinance for the purpose of paying the principal of or interest on the bonds issued prior to the effective date of this ordinance.

Section 6. 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

HOV:ps
July 12, 1990
Or.Dept:Atty
O-91-10
Form=o.none

SEP 17 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<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 *Linda Luzano*, 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

JUL 24 1990

SEP 17 1990

....., 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 *Linda Luzano*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance **0.17527**

Number Adopted.....

SEP 17 1990

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
90 OCT -9 AM 11:55
SAN DIEGO, CALIF. *gg*

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

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 1, DIVISION 20,
OF THE SAN DIEGO MUNICIPAL CODE...

CITY ATTORNEY DIGEST
ORDINANCE NUMBER 0-17527
(NEW SERIES)
ADOPTED ON SEP 17 1990
EFFECTIVE DATE OCT 17 1990
AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 1, DIVISION 20, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 61.2045 AND 61.2046 AND BY ADDING SECTIONS 61.2045, 61.2046 AND 61.2063 RELATING TO THE SAN DIEGO-PARK FACILITIES DISTRICT PROCEDURAL ORDINANCE.
This ordinance amends Chapter VI, Article 1, Division 20, of the San Diego Municipal Code by amending sections 61.2045 and 61.2046 and by adding sections 61.2045, 61.2046 and 61.2063 relating to the San Diego Park Facilities District Procedural Ordinance, relating to the procedure for the levy of a special assessment tax to service bonds; relating to the process for the levy of a maintenance assessment; and other procedural matters as specifically set forth in said ordinance, a copy of which is on file in the office of the City Clerk and available for public inspection.
INTRODUCED ON JUL 24 1990
Passed and Adopted by the Council of The City of San Diego on SEP 17 1990.
AUTHENTICATED BY:
MAUREEN O'CONNOR
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
(SEAL)
By Linda Luzano, Deputy.
Pub. October 1 197431

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

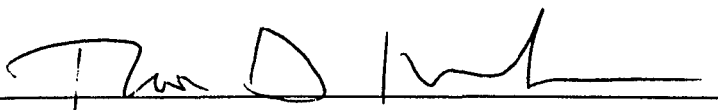
ORDINANCE NUMBER 0-17527 (NEW SERIES)

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:

OCT 1

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

Dated at San Diego, California this 1ST day of OCT, 19 90.


(Signature)

3" x 2 = 74.08