

(R-91-111)

RESOLUTION NUMBER R- 276271

ADOPTED ON JUL 31 1990

WHEREAS, on November 28, 1988, the City of San Diego executed an agreement with the University of San Diego Law School (USD) to develop an 18 month pilot project to: 1) use mediation and other dispute resolution methods to resolve appropriate code enforcement cases; and 2) study the feasibility of creating an Environmental Court to hear government initiated criminal and civil actions in the field of municipal and land-use law; and

WHEREAS, the City and USD each contributed one-half of the Project's initial funding; and

WHEREAS, the USD Project Team satisfied the terms of this previous agreement and accomplished the following goals and objectives: 1) completed a comprehensive evaluation of the City's code enforcement system; 2) studied the feasibility of creating an Environmental Court in San Diego; and 3) developed the Environmental Mediation Office to resolve code enforcement violations by using various dispute resolution models; and

WHEREAS, the Environmental Mediation Office has conducted 143 mediations since September 1989, of which 95% resulted in a written agreement between the City and alleged violator and 75% of these written agreements have resulted in complete compliance with the Municipal Code; and

WHEREAS, the City and USD wish to continue this pilot project without interruption as 83 active cases are ready to be scheduled for mediation or need further monitoring; and

WHEREAS, on June 20, 1990, the Public Services and Safety Committee recognized that mediation is a cost effective and quick enforcement alternative in appropriate cases and voted 5-0, to direct the City Manager to fund the Environmental Mediation Office for the next fiscal year at a cost of \$89,000 from the following combination of resources: 1) \$31,000 from the Code Enforcement Fund; and 2) \$58,000 from the Building Inspection Enterprise Fund; and

WHEREAS, on June 20, 1990, the Public Services and Safety Committee also approved a motion that future increases in Housing Permit Fees or the Business Tax would be used to reimburse the \$58,000 cost to the Enterprise Fund; and

WHEREAS, the City Attorney has subsequently advised the City Manager that the use of Housing Permit Fee revenues from the Building Inspection Enterprise Fund is limited to the department's pro rata share of the services provided by the Environmental Mediation Project; and

WHEREAS, the Building Inspection Department's pro rata share is based on the use of the program services and the amount of the housing inspection costs actually recovered through housing permit fee revenues; and

WHEREAS, the City Manager wishes to avoid an interruption in the existing workload of the Environmental Mediation Project and has thus directed the Building Inspection Department to immediately advance \$44,500 from the Building Inspection Enterprise Fund to be reimbursed in Fiscal Year 1990-1991 from increases in Housing Permit Fees which will result in full cost recovery and/or increases in Business Tax revenues or other funds identified by the City Manager. The remaining balance will be allocated from the Code Enforcement Fund (\$31,000) and General Fund (\$13,500) or other funds identified by the City Manager; and

WHEREAS, the City and USD have agreed to each carry over \$3,500 from the Project Team's existing budget for fiscal year 1991 at a total of \$7,000; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego that the City Manager be and he is hereby authorized and empowered to execute, for and on behalf of the City, an agreement with the University of San Diego Law School to operate the Environmental Mediation Project to resolve appropriate code enforcement cases by using various dispute resolution methods, as set forth in the terms and conditions of the Agreement, on file in the office of the City Clerk as Document No. RR- 276271

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller
be and he is hereby authorized to expend an amount not to exceed
\$96,000 for fiscal year 1991 from The City of San Diego to the
University of San Diego Law School for purposes of the above
agreement.

APPROVED: JOHN W. WITT, City Attorney

By 
Joseph M. Schilling
Deputy City Attorney

JMS:lja
Date: 07/17/90
Aud. Cert:9100060
Or.Dept:Atty
R-91-111

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 9100060

ORIGINATING DEPT. NO. 045

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 \$ _____ Fund _____

Purpose _____

Date _____, 19____ By: _____
AUDITOR AND COMPTROLLER'S DEPARTMENT

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

CERTIFICATION OF UNENCUMBERED BALANCE

FUND OVERRIDE

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 \$ 89,000.00

Vendor University of San Diego Law School

Purpose Authorizing the expenditure of funds for the Environmental Mediation Project - Code Enforcement

Date July 10, 1990

By: *[Signature]* SR. 7/24/90
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1			81170	103	4222	381170				\$31,000.00
2		41300	1300	2515	4222	005550				44,500.00
3			045	104	4222	004540				13,500.00
TOTAL AMOUNT										\$89,000.00

AC-361 (REV 3-86)

JUL 31 1990

R-276271

FUND OVERRIDE

Note: Contingent upon approval of FY91 appropriation ordinance. AC 9100060

Passed and adopted by the Council of The City of San Diego on JUL 31 1990,
by the following vote:

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

AUTHENTICATED BY:

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

(Seal)

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

By Linda Lujan, Deputy.

Office of the City Clerk, San Diego, California

R-276271

Resolution Number Adopted JUL 31 1990