

(O-92-28)

ORDINANCE NUMBER O-17683 (NEW SERIES)

ADOPTED ON SEP 23 1991

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 6,  
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING  
DIVISION 11, CONCERNING THE FORMATION OF A  
CITY PUBLIC UTILITIES ADVISORY COMMISSION.

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

Section 1. That Chapter II, Article 6, of the San Diego Municipal Code be and the same is hereby amended by adding Division 11, to read as follows:

**DIVISION 11**

**CITY PUBLIC UTILITIES ADVISORY COMMISSION**

**SEC. 26.1101 Purpose and Intent**

It is the purpose and intent of the City Council to establish a City Public Utilities Advisory Commission to serve as an advisory body to the Mayor, City Council and City Manager on policy issues relating to all local utilities, including, but not necessarily limited to, gas, electric, telecommunications, cable television, water, waste-water and municipal transportation. Policy issues concerning which this Commission shall advise will include, but not necessarily be limited to, franchise terms and conditions, rates and charges and standards of service.

**SEC. 26.1102 City Public Utilities Advisory Commission  
Established**

There is hereby created a City Public Utilities Advisory Commission consisting of nine (9) members, who shall serve without compensation. The members shall be appointed by the Mayor and confirmed by the Council.

The members shall serve four (4) year terms and each member shall serve until a successor is duly appointed and confirmed. The members shall be appointed in such manner that the terms of not more than five (5) members shall expire in any year. The expiration date of all terms shall be October 1. During October of each year, the Mayor may designate one (1) member as Chairperson; however, in the absence of such designation, the Commission shall on or after November 15 select a Chairperson from among its members. Any vacancy shall be filled for the unexpired term of the member whose place becomes vacant. The Board shall adopt rules consistent with the law for the government of its business and procedures.

**SEC. 26.1103 Duties and Functions**

The Commission shall:

(a) Provide advice and recommendations to the Mayor, City Council, and City Manager on all public policy issues related to all local utilities, to the end that the consuming public is provided with the best possible service consistent with good management and cost.

(b) Study and make recommendations generally on utility matters including, but not necessarily limited to, franchise terms and conditions, rates and charges, public relations,

standards of service, and generally provide full and complete surveillance of all local utilities on behalf of the Mayor, City Council, and City Manager.

(c) Perform such further duties as may from time to time hereafter be delegated to it by resolution of the City Council.

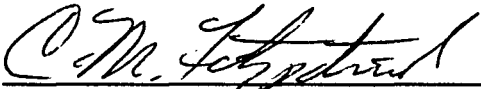
(d) Conduct such investigations, studies, and hearings which in the judgment of the Commission will aid in effectuating its general purposes.

**SEC. 26.1104 Members; eligibility.**

The City Public Utilities Advisory Commission shall be appointed by the Mayor and confirmed by the Council. Members shall be city residents. No person shall be eligible for the advisory commission who is, or who shall have been during a period of 2 years next preceding their appointment, directly or indirectly interested in any local utility as specified in Section 26.1101, if the utility operates, owns, or has an interest in property in the City of San Diego, or if the person being considered for appointment owns any stock, bond, mortgage, security, or contract of any such local utility. If any commissioner voluntarily becomes so interested, their place shall ipso facto become vacant, if any commissioner becomes so interested otherwise than voluntarily they shall, within a reasonable time, divest themselves of such interest; and, if they fail to do so, their place on the commission shall become vacant. Each appointee, before entering upon the duties of the advisory commission, shall make oath and affirmation that they are not pecuniarily interested, voluntarily or involuntarily, directly or indirectly, in any local utility in the City of San Diego.

Section 2. 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   
C. M. Fitzpatrick  
Assistant City Attorney

CMF:DLB:js:wk  
08/26/91  
Or.Dept:Atty.  
O-92-28  
Form=o+t

58  
178

Passed and adopted by the Council of The City of San Diego on..... **SEP 23 1991** .....  
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"/>
Tom Behr	<input type="checkbox"/>	<input checked="" 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 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 ... *Blonda R. Barnes* 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 09 1991**

**SEP 23 1991**

....., 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 ... *Blonda R. Barnes* Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17683** Adopted **SEP 23 1991**

CERTIFICATE OF PUBLICATION

91 OCT -9 AM 5:00  
SAN DIEGO, CALIF. 22

CITY CLERK'S OFFICE  
CITY ADMIN. BLDG.  
202 C ST.  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 6, OF THE  
SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 11,  
CONDERNING THE FORMATION OF A CITY PUBLIC UTILITIES ADVISORY COMMISSION.

**ORDINANCE NUMBER O-17683 (NEW SERIES)**  
AN ORDINANCE AMENDING CHAPTER II, ARTICLE 6, OF THE  
SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 11,  
CONCERNING THE FORMATION OF A CITY PUBLIC UTILITIES  
ADVISORY COMMISSION.  
This ordinance amends Chapter II, Article 6, by adding Division 11, con-  
cerning the formation of a City Public Utilities Advisory Commission.  
A complete copy of the Ordinance is available for inspection in the Office  
of the City Clerk of the City of San Diego, 2nd Floor, City Administration  
Building, 202 "C" Street, San Diego, CA 92101.  
INTRODUCED ON September 9, 1991  
Passed and Adopted by the Council of The City of San Diego on  
September 23, 1991.  
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  
By RHONDA R. BARNES, Deputy.  
(Pub. Oct. 7) 229366

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 O-17683 (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:

OCTOBER 7

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

Dated at San Diego, California this 7TH day of OCT., 19 91.

  
\_\_\_\_\_  
(Signature)

1 15/16" x 2 = 50.82