

(0-93-90)

ORDINANCE NUMBER O- 17882 (NEW SERIES)

ADOPTED ON DEC 08 1992

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 1, DIVISION 23 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING A NEW SECTION 61.2310, BY RENUMBERING SECTIONS 61.2310, 61.2311, 61.2312 AND 61.2313 TO SECTIONS 61.2311, 61.2312, 61.2313 AND 61.2314; AND BY ADDING A NEW PART 9, SECTION 61.2390, 61.2391, 61.2392 AND 61.2393; AND AMENDING CHAPTER VI, ARTICLE 5, DIVISION 2, SECTION 65.0219, ALL RELATING TO THE DISTRIBUTION OF FUNDS FROM DELINQUENT PAYMENTS.

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

Section 1. That Chapter VI, Article 1, Division 23, of the San Diego Municipal Code be and the same is hereby amended by adding a new Section 61.2310 to read as follows:

**SEC. 61.2310 Special Assessment District Delinquency Fund**

Special Assessment District Delinquency Fund shall mean the special fund established under Part 9 of this Division in which the penalties and interest imposed upon delinquent payments of amounts assessed pursuant to the provisions of the Improvement Bond Act of 1915, the provisions of the Mello-Roos Community Facilities District Act and the provisions of the Lighting and Landscape Improvement Act of 1972, are deposited.

Section 2. That Chapter VI, Article 1, Division 23, of the San Diego Municipal Code be and the same is hereby amended by renumbering Sections 61.2310, 61.2311, 61.2312 and 61.2313 to

Sections 61.2311, 61.2312, 61.2313 and 61.2314 to read as follows:

**SEC. 61.2311 Non-Exclusiveness of Division**

[No change in text.]

**SEC. 61.2312 Incorporation Effect**

[No change in text.]

**SEC. 61.2313 Necessary or Convenient Procedure  
Authorized**

[No change in text.]

**SEC. 61.2314 Severability Clause**

[No change in text.]

Section 3. That Chapter VI, Article 1, Division 23, of the San Diego Municipal Code be and the same is hereby amended by adding a new Part 9 to this Division consisting of Sections 61.2390, 61.2391, 61.2392 and 61.2393 to read as follows:

**Part 9  
Establishment of the Special Assessment  
District Delinquency Fund**

**SEC. 61.2390 Fund Established.**

There is hereby established a fund known as the Special Assessment District Delinquency Fund to help fulfill the purposes of this Chapter.

**SEC. 61.2391 Payments on Delinquent Accounts,  
Penalties and Interest.**

Whenever payments are received by the City Treasurer consisting of penalty and interest charges imposed upon delinquent amounts assessed under the provisions of the Improvement Bond Act of 1915, the provisions of the Mello-Roos Community Facilities

District Act or the provisions of the Lighting and Landscape Improvement Act of 1972, the payments shall be placed in the Special Assessment District Delinquency Fund. Interest earnings on the monies on deposit shall remain in the Special Assessment District Delinquency Fund, notwithstanding the provisions of Section 61.2393.

**SEC. 61.2392 Expenditures From Special Assessment District Delinquency Fund Restricted.**

Funds deposited in the Special Assessment District Delinquency Fund may be expended for:

A. The payment of costs incurred in fulfilling the City's duties under a bond indenture or any similar obligation.

B. The payment of costs incurred in litigation defending the District or protecting the integrity of the District, including litigation costs for proceedings in bankruptcy.

C. The payment to the General Fund of amounts in excess of the maximum balance, as defined in Section 61.2393.

**SEC. 61.2393 Disposition of Balance in the Special Assessment District Delinquency Fund.**

The Special Assessment District Delinquency Fund shall not exceed a maximum balance equal to 1% of the outstanding principal balance of bonds issued by The City of San Diego under the Improvement Bond Act of 1915 and the Mello-Roos Community Facilities District Act. Such amount shall be determined from time to

time. Any excess amounts shall be paid to the General Fund.

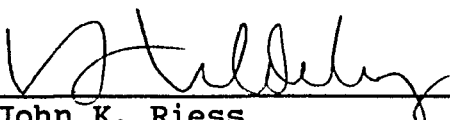
Section 4. That Chapter VI, Article 5, Division 2, of the San Diego Municipal Code be and is hereby amended by amending Section 65.0219 to read as follows:

**SEC. 65.0219 Payment of Delinquent Assessments**

At any time after the delinquency but prior to the sale by operation of law of any lots or parcels of land assessed and delinquent, any person may pay the assessment, penalties and costs thereon. The costs shall include the cost of advertising. The penalties less costs described herein shall be placed in the Special Assessment District Delinquency Fund and distributed in accordance with the provisions of San Diego Municipal Code section 61.2392.

Section 5. 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   
John K. Riess  
Deputy City Attorney

JKR:pev  
11/17/92  
Or.Dept:E&D  
0-93-90  
Form=o.code

438

DEC 08 1992

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"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<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 Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING  
Mayor of The City of San Diego, California.

(Seal)

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

By *Linda Legano*, 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  
**NOV 23 1992**, and on **DEC 08 1992**

~~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.

(Seal)

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

By *Linda Legano*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17882** Adopted **DEC 08 1992**