

ORDINANCE NUMBER O- 19159 (NEW SERIES)

ADOPTED ON MAR 17 2003

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AMENDING CHAPTER 6, ARTICLE 3,
DIVISION 0 OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTION 63.30 RELATING TO THE
UTILIZATION OF THE ENVIRONMENTAL GROWTH
FUND.

WHEREAS, San Diego Charter section 103.1a and the San Diego Municipal Code section 63.30 establish guidelines for the allocation of the Environmental Growth Fund into a One-Third Portion for the purpose of preserving and enhancing the environment of the City of San Diego and the Two-Thirds Portion for principle and interest payments on outstanding open space bonds and the acquisition of open space lands; and

WHEREAS, San Diego Charter section 103.1a permits the use of Environmental Growth Fund Two-Thirds Portion for the purpose of preserving and enhancing the environment of the City of San Diego if there are no such bonds outstanding or if two-thirds of the moneys paid into the Environmental Growth Fund exceed the amount necessary to service any outstanding bonds issued for the above purposes in any fiscal year; and

WHEREAS San Diego Municipal Code section 63.30 is more restrictive and provides that the Environmental Growth Funds Two-Thirds Portion may only be used for bond payments or acquisition of open space lands; and

WHEREAS, the City of San Diego is facing a potential revenue loss in Environmental Growth Funds in Fiscal Year 2003 due to lower than expected revenues from San Diego Gas and Electric; and

WHEREAS, a reduction in revenue from the Environmental Growth Fund One-Third Portion would negatively impact operations and maintenance in open space and regional parks; and

WHEREAS, the City of San Diego is also experiencing shortfalls in Fiscal Year 2003 and FY 2004 in several other revenue sources, and reductions in expenditures are already being required in many departments and areas including open space and regional parks; and

WHEREAS, there will be more than sufficient revenues in the Environmental Growth Fund Two-Thirds Portion to cover all principle and interest payments on outstanding open space bonds in Fiscal Year 2003; NOW, THEREFORE,

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

Section 1. That Chapter 6, Article 3, Division 0, of the San Diego Municipal Code is amended by amending Section 63.30 to read as follows:

§63.30 Utilization of the Environmental Growth Fund

Pursuant to the Environmental Growth Fund provision of the San Diego Charter section 103.1a, it is incumbent upon the City Council of the City of San Diego to use moneys derived from that fund exclusively for the purpose of preserving and enhancing the environment of the City of San Diego. The City Council of the

City of San Diego, in implementing said Charter provision, shall allocate all moneys within the fund not employed to pay the debt service on bonds, as set forth in San Diego Charter section 103.1a as follows:

- (a) [No change in text.]
- (b) [No change in text.]
 - (1) [No change in text.]
 - (2) [No change in text.]
 - (3) [No change in text.]
 - (4) Any other purposes consistent with the San Diego Charter section 103.1a.
- (c) [No change in text.]
- (d) If the City Manager determines that anticipated revenues in any fiscal year will be insufficient to maintain existing City services necessary for preserving and enhancing the environment, the City Manager may ask the City Council to temporarily suspend compliance with this Section in order to allow Environmental Growth Funds to be allocated consistent with San Diego Charter section 103.1a. A majority vote of the City Council can temporarily suspend compliance with this Section for that fiscal year. Creating a mechanism for the suspension of this Section is necessary to prevent the abrogation of duties, obligations, and prerogatives of the City


Council in the preparation and passage of the Annual Appropriation Ordinance pursuant to San Diego Charter section 71.

Section 2. That the City Council hereby finds that anticipated revenues in this fiscal year are insufficient and for next fiscal year are anticipated to be insufficient to maintain existing City services necessary for preserving and enhancing the environment; therefore, the City Council does hereby temporarily suspend compliance with San Diego Municipal Code section 63.30 for Fiscal Year 2002-2003 and for Fiscal Year 2003-2004.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, since a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvemay
Deputy City Attorney

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Or.Dept.:Financial Management
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