

ORDINANCE NUMBER 19239 (NEW SERIES)

ADOPTED ON NOV 24 2003

AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO AT THE MUNICIPAL ELECTION CONSOLIDATED WITH THE CALIFORNIA STATE GENERAL ELECTION TO BE HELD ON MARCH 2, 2004, ONE PROPOSITION, AMENDING THE CITY CHARTER BY ADDING SECTION 94.4, CONSTRUCTION MANAGER AT RISK CONTRACTS

WHEREAS, pursuant to section 9222 of the California Elections Code, and section 27.1001 of the San Diego Municipal Code, the City Council has authority to place propositions on the ballot to be considered at a Municipal Election; and

WHEREAS, by Ordinance No. O- 19239, adopted on NOV 24 2003, the Council of the City of San Diego is calling a Municipal Election to be consolidated with the California State General Election on March 2, 2004, for the purpose of submitting to the qualified voters of the City one or more ballot propositions; and

WHEREAS, the complexities faced by the City of San Diego in today's construction market have highlighted the need for an additional contracting method to allow for the construction of a public works project by a single entity selected through a competitive negotiation process that is similar to that of design-build; and

WHEREAS, the proposed Construction Manager at Risk Project Delivery Method would be beneficial to the City of San Diego in situations where there is an architect already on board, or when it is desirable to hire an architect independent of the builder; and

WHEREAS, by utilization of the Construction Manager at Risk Delivery Method, the City of San Diego would be provided with flexibility, added cost accountability, and the opportunity to take advantage of additional value-engineering suggestions to provide an appropriately designed building that is functional, operationally effective, and provided at the lowest possible combination of initial and life-cycle costs; and

WHEREAS, the City Council desires to submit to the voters at that Municipal Election one proposition amending the Charter of The City of San Diego by adding Section 94.4 entitled "Construction Manager at Risk Contracts;" NOW, THEREFORE,

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

Section 1. One ballot proposition amending the City Charter is hereby submitted to the qualified voters of the City at the Municipal Election to be held March 2, 2004, the proposition to read as follows:

PROPOSITION

SEC. 94.4 CONSTRUCTION MANAGER AT RISK CONTRACTS

Notwithstanding any provisions of this Charter to the contrary, the City is not prohibited from awarding contracts for the construction of public works using a combination of (1) design review and management services, and (2) construction and construction management services; procured from a single person or entity for a guaranteed maximum price pursuant to a process of competitive negotiation, provided the process of competitive negotiation is conducted as may otherwise be required by this Charter or the Municipal Code. The City Council shall establish by ordinance guidelines for the award, use, and evaluation of such construction manager at risk contracts, and may set an amount below which the City Manager may award such contracts.

END OF PROPOSITION

Section 2. The proposition shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in Section 3 of this ordinance.

Section 3. On the ballot to be used at this Municipal Election, in addition to any other matters required by law, there shall be printed substantially the following:

PROPOSITION __. AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY ADDING SECTION 94.4, CONSTRUCTION MANAGER AT RISK CONTRACTS.	YES	
	NO	

Shall the City Charter be amended to permit the award of public works construction contracts using a combination of (1) design review and management services, and (2) construction and construction management services; for a guaranteed maximum price pursuant to a process of competitive negotiation conducted as required by the Charter or Municipal Code?

Section 4. An appropriate mark placed in the voting square after the word "YES" shall be counted in favor of the adoption of this proposition. An appropriate mark placed in the voting square after the word "NO" shall be counted against the adoption of the proposition.

Section 5. The City Clerk shall cause this ordinance or a digest of this ordinance to be published once in the official newspaper following this ordinance adoption by the City Council. No other notice of election on this proposition need be given.

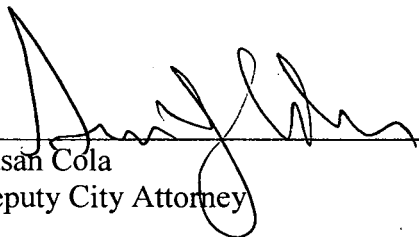
Section 6. Pursuant to Section 9295 of the California Elections Code, this measure will be available for public examination for no fewer than ten calendar days prior to being submitted for printing in the sample ballot. During the examination period, any voter registered in the City may seek a writ of mandate or an injunction requiring any or all of the measure to be amended or

deleted. The examination period will end on the day that is 75 days prior to the date set for the election. The Clerk shall post notice in his office the specific dates that the examination period will run.

Section 7. Pursuant to Section 17 of the Charter of the City of San Diego, this ordinance relating to elections shall take effect on NOV 24 2003, which is the day of its introduction and passage.

APPROVED: CASEY GWINN, City Attorney

By:



Susan Cola
Deputy City Attorney

SYC:sc
11/14/03
Or.Dept. Clerk
Aud. Cert.: N/A
O-2004-57