

(R-2004-509)

RESOLUTION NUMBER R 298600

ADOPTED ON NOV 17 2003

WHEREAS, in October 2003, the Cedar Fire, Paradise Fire and Otay Fire burned several communities within the City of San Diego including Clairemont, Kearny Mesa, Miramar, Scripps Ranch, Tierrasanta, and Otay Mesa/Nestor; and

WHEREAS, City of San Diego residents, property owners and business owners had their homes or business destroyed or damaged by these wildfires; and

WHEREAS, at least 388 single and multi-family homes were destroyed or damaged by these wildfires; and

WHEREAS, at least 16 commercial structures were destroyed or damaged by these wildfires; and

WHEREAS, many of the persons suffering property losses from the wildfires will not be compensated or will be under compensated for the reconstruction of their homes or businesses; and

WHEREAS, there are few, if any, state or federal programs that provide grant assistance, to individuals, for building permits, demolition permits or waste disposal fees associated with reconstruction due to wildfires; and

WHEREAS, granting a fee waiver to permit applicants for building permits and demolition permits will allow victims of the wildfires to expeditiously obtain building permits and begin the rebuilding of their homes or businesses; and

WHEREAS, waiving demolition permit and waste disposal fees will facilitate and encourage the expeditious removal of debris and other fire related waste that could otherwise remain on site; and

WHEREAS, the expeditious removal of debris and other fire related waste will prevent the washing away of the waste into the City's storm drain system; and

WHEREAS, the expeditious rebuilding of homes and businesses in the City of San Diego will restore a sense of community and well-being within the neighborhoods destroyed by the wildfires; and

WHEREAS, concrete slabs and bricks are recyclable at a relatively low cost per ton at private facilities located near fire-damaged areas within the City, and recycling of these materials should be encouraged in order to demonstrate good faith efforts to comply with State of California waste diversion mandates; and

WHEREAS, in accordance with the People's Ordinance, codified at San Diego Municipal Code section 66.0127(c)(4) and Government Code section 66016, this one time fee waiver will not require an increase in disposal fees for other Miramar Landfill users, if the Environmental Services Department is fully reimbursed from the General Fund or other source; and


WHEREAS, in accordance with Government Code section 66005, this one time fee waiver to permit applicants and users will not require an increase of fees for other permits or users, if the Development Services Department is fully reimbursed from the General Fund or other source; NOW, THEREFORE,

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

1. That the Council hereby waives demolition fees for applicants who are demolishing structures damaged in the October 2003 wildfires.
2. That the Council hereby waives building permit fees for applicants who are seeking to reconstruct the same or substantially the same structure destroyed or damaged in the October 2003 wildfires.
3. That the Council hereby waives the waste disposal fee (i.e., tipping fee, AB939 fee, and Refuse Collector Business Tax or franchise fee) at the Miramar Landfill for fire-related debris, except for concrete slabs and bricks, generated within the City of San Diego from properties destroyed or damaged in the October 2003 wildfires.
4. That the Council hereby directs the City Manager to develop and issue a Waste Management Regulation to prohibit the disposal to the Miramar Landfill of concrete slabs and bricks removed from properties damaged or destroyed in the October 2003 wildfires, and further directs the City Manager to establish a program to reimburse landowners for any fees paid to a recycling facility to accept such debris. To qualify for reimbursement, the recycling facility must be on list on file in the Office of the City Clerk as Document No. RR- 298600.
5. That the Council hereby authorizes the City Manager, consistent with the provisions of this resolution, to refund persons who have paid demolition permit fees, building permit fees or waste disposal fees prior to this action of the City Council waiving said fees.
6. That the Council hereby authorizes the City Auditor and Comptroller to encumber \$1.95 million of the Trolley Extension Reserve Fund, Number 10226, to reimburse the Development Services Enterprise Fund, Number 1300; the Environmental Services Refuse Disposal Fund, Number 41200, and the Recycling Enterprise Fund, Number 41210, for waiver of

demolition and building permit fees and waste disposal fees, as authorized herein, until alternative funding sources are identified.

APPROVED: CASEY GWINN, City Attorney

By 
Mary Jo Lanzafame
Deputy City Attorney

MJL:cdk
11/13/03
Orig.Dept.:DSD
R-2004-509

**The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING


AC 2400513
DEPT. _____
NO. 918

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: \$1,950,000.00 Fund: 10226

Purpose: Authorize the allocation of funds from the Trolley Extension Reserve Fund (10226) to the Development Services Fund (41300), Environmental Services Refuse Disposal Fund (41200), and Recycling Enterprise Fund (41210), for waiver of Building Permits, Demolition Permits, and Waste Disposal Fees relating to building structures damaged or destroyed by the 2003 firestorm until a permanent funding source can be determined.

Date: November 13, 2003

By: 
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
1	0	10226			9544					\$1,950,000.00
TOTAL AMOUNT										\$1,950,000.00

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

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 money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

AC-361 (REV 2-92)

FUND OVERRIDE

R 298600

AC 2400513

NOV 17 2003