

RESOLUTION NUMBER R- 299276

ADOPTED ON MAY 24 2004

REINSTATEMENT OF CITY COUNCIL RESOLUTION
NO. R-294947 INCLUDING THE FINDING PERMANENTLY
DEBARRING SOUTHERN CALIFORNIA UNDERGROUND
CONTRACTORS, INC., JIM CRAIG JACKSON AND GEORGE
ROGERS FROST.

WHEREAS, San Diego Municipal Code sections 22.0801, et seq., provides that the City Council shall permanently debar any bidder or contractor for any corrupt practices involving the administration or award of a City contract; and

WHEREAS, Southern California Underground Contractors, Inc., its divisions and organizational elements, its Affiliates, Jim Craig Jackson, and George Rogers Frost [SoCal], engaged in corrupt practices, as is more particularly set forth in City Manager's Revised Report No. 01-068 on file in the office of the City Clerk, which is incorporated herein, along with any and all documents referenced therein, by this reference; and

WHEREAS, on May 22, 2001 the matter was heard at a publicly noticed debarment hearing, wherein SoCal was personally served notice of the hearing and had the opportunity to present evidence and the City Council fully considered the same; and

WHEREAS, the City Council, after review and consideration of all evidence supported the Manager's recommendation for the permanent debarment of SoCal; and

WHEREAS, as reflected in Resolution No. R-294947 and its attached Findings, and in City Manager's Report No. 04-104, both on file in the office of the City Clerk, the City Council deemed SoCal permanently debarred; and

WHEREAS, after the debarment, a lawsuit was filed on behalf of SoCal in San Diego Superior Court Case No. 768749; and

WHEREAS, on October 9, 2001, the San Diego Superior Court ruled the City Council exceeded its authority under the Municipal Code to permanently debar SoCal and ordered an alternative three year debarment be imposed effective May 29, 2001; and


WHEREAS, both parties filed an appeal and on May 6, 2003, the Fourth District Appellate Court reversed the Superior Court's ruling and found the City Council did have authority to permanently debar SoCal. Accordingly, the Appellate Court remanded the matter to the trial court with directions that the City Council reinstate its Resolution permanently debarring SoCal; and

WHEREAS, on September 19, 2003, the Superior Court amended its previous judgment and ruled in the City's favor ordering that the City Council reinstate in its entirety Resolution No. 294947 and permanently debar SoCal; NOW THEREFORE,

BE IT RESOLVED, that pursuant to San Diego Municipal Code section 22.0801, et seq., and based upon all evidence and testimony, that the City Council hereby reinstates Resolution No. 294947 in its entirety, including all exhibits and adopts the "Findings Regarding the

Permanent Debarment of Southern California Underground its divisions organizational elements,
its Affiliates, Jim Craig Jackson and George Rogers Frost" [SoCal].

APPROVED: CASEY GWINN, City Attorney

By 
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Head Deputy City Attorney

KK:km
05/10/04
Or.Dept: E&CP
R-2004-1213