

RESOLUTION NUMBER R- 300362

ADOPTED ON APR 19 2005

WHEREAS, severe damage to land and building property from heavy rains, mudslides, flooding and landslides occurred in the City of San Diego as well as other regions of California as the result of winter storm activity that occurred during the periods from December 27, 2004 to January 11, 2005, and February 12 to 24, 2005; and

WHEREAS, the Governor of California has declared a state of emergency as a result of both the January and February winter storms for six California counties, including San Diego County which includes the City of San Diego; and

WHEREAS, on February 28, 2005, the Mayor and City Council voted unanimously to proclaim a local state of emergency due to flooding from the February rains storms; and

WHEREAS, property site damage includes mudflows that encroached into City right-of-way sidewalks and streets; and

WHEREAS, displaced soil and loose debris may be transported to the storm drain systems and clog those systems when future rainstorms occur; and

WHEREAS, future rainstorms may cause further damage to unmitigated landslide or mudflow sites with the damage causing landslides or mudflows to occur on adjacent private and public properties; and

WHEREAS, authorized State and Federal assistance is being provided as a result of the rainstorm disasters making homeowners, renters, and businesses eligible for disaster aid; and

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

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

WHEREAS, waiving waste disposal fees for properties that are designated by the City of San Diego as red tag or yellow tag damage sites signifying imminent or some risk to life or safety will facilitate and encourage the expeditious removal of debris and other flood related waste that could otherwise remain on site; and

WHEREAS, establishing October 15, 2005, as the final date for eligible property owners to apply for building permit and waste disposal fee waivers will provide adequate time to submit fee waiver applications before the start of the 2005-2006 rainy season; 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, the Council of the City of San Diego, as follows:

1. That the City Council hereby authorizes the waiver of building permit fees relating to building structures damaged by the winter 2005 rainstorms, for waiver applications filed on or before October 15, 2005.
2. That the City Council hereby waives the waste disposal fees at the Miramar Landfill for flood related debris generated within the City of San Diego from properties destroyed or damaged by the winter 2005 rainstorms, for waiver applications filed on before October 15, 2005.
3. That the City Council hereby authorizes the City Auditor and Comptroller to reimburse the Development Services and Environmental Services Enterprise Funds for fees waived in an amount not to exceed \$205,000 from the General Fund.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



for John C. Hemmerling
Deputy City Attorney

JCH:als
04/12/05
04/13/05 (COR.COPY)
Or.Dept:Dev.Scvs.
Aud.Cert:2500899
R-2005-951
MMS#1602

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2500899

ORIGINATING

DEPT. NO.: 601

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: _____ Fund: _____

Purpose: _____

Date: _____ By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

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.

Not to Exceed: \$205,000.00

Vendor: N/A

Purpose: Authorizing the waiver of building permit and waste disposal fees relating to building structures damaged by the Winter 2005 Rainstorms. Authorizing reimbursement to the Development Services and Environmental Services Funds from the General Fund for fees waived, in an amount not to exceed \$205,000.

Date: April 8, 2005 By: Leonard J. Alvarado

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	100	601	6301	4881	006301				\$205,000.00
TOTAL AMOUNT										\$205,000.00

FUND OVERRIDE

AC 2500899

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