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ORDINANCE NUMBER O- 19865 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 28 2009

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING APPLICATION FOR A PROGRAM TRANSNET GRANT FOR ENVIRONMENTAL MITIGATION.

WHEREAS, the City of San Diego Water Department owns and manages lands within Proctor Valley which are designated as part of the City's Multi-Habitat Planning Area [MHPA] in accordance with the Multiple Species Conservation Program [MSCP] and are part of the "Cornerstone Lands" which are the foundation of the City's MSCP and contains 190 acres of the San Diego National Wildfire Refuge as well as portions of the Otay Ranch Preserve; and

WHEREAS, the Water Department has a persistent challenge with unauthorized Off-Road Vehicles and the illegal dumping of trash on Water Department lands within Proctor Valley, which has impacted the watershed causing erosion, vegetation loss, soil compaction, sedimentation, and disruption to sensitive habitats including vernal pools; and

WHEREAS, to prevent further degradation to the watershed landscape and critical natural resources, the Water Department proposes to install vehicle barriers along the east and west sides of a 1.3 mile section of Proctor Valley Road to reduce monitoring and maintenance requirements as well as provide protection for proposed vernal pool and riparian habitat restoration sites in the watershed and the City's water resources; NOW, THEREFORE,

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

Section 1. That the Mayor or his designee is authorized to make an application to SANDAG Environmental Mitigation Program [EMP] TransNet grant for \$325,754 for the fabrication and installation of Off-Road Vehicle barriers along both sides of a 1.3 mile section of Proctor Valley Road [Project].

Section 2. That the Mayor or his designee is authorized to take all necessary actions to secure grant funding from SANDAG EMP for the Project.

Section 3. That the City Comptroller is authorized to accept, appropriate and expend funds on the condition that SANDAG EMP grant funding is secured for the Project.

Section 4. That the transfer of \$425,754 from the Unallocated Reserve to CIP No. 75-942.0, Proctor Valley Off-Road Vehicle Barrier within Fund 41500 Water Department is authorized solely and exclusively for the Project and related costs.

Section 5. That the Appropriations Ordinance is amended to add CIP 75-942.0, Proctor Valley Off-Road Vehicle Barrier, to the Fiscal Year 2009, Capital Improvements Program.

Section 6. That the Fiscal Year 2009 Capital Improvements Program Budget is amended by increasing CIP 75-942.0, Proctor Valley Off-Road Vehicle Barrier, Fund 41500, Water Department by \$425,754, contingent upon receipt of a fully executed grant agreement.

Section 7. That the appropriation and expenditure of an amount not to exceed \$425,754 from Fund 41500, Water Department CIP 75-942.0, Proctor Valley Off-Road Vehicle Barrier, is authorized solely and exclusively for the purpose of providing funds for the Project, its amendments and related costs, provided that the City Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer.

Section 8. That the City Auditor and Comptroller is authorized, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

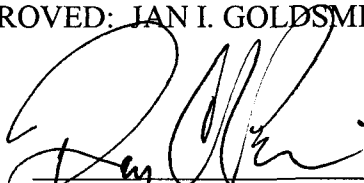
Section 9. That this activity is categorically exempt from California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15302.

Section 10. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 11. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By


Raymond C. Palmucci
Deputy City Attorney

RCP:sc
05/14/09
Aud.Cert.: N/A
Or.Dept.: Water
O-2009-112 (Corr.)

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAY 19 2009.

ELIZABETH S. MADAND
City Clerk

By 
Deputy City Clerk

Approved: 5-28-09
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2900743
ORIGINATING DEPT. NO.: 760

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: \$425,754.00 Fund: 41500

Purpose: Authorizing the transfer of funds from Unallocated Reserve to Proctor Valley Off Road Vehicle Barrier, CIP 759420.

Date: April 14, 2009

By: *Yeshi Bezuneh*
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	41500	760	1041	4903	076104				\$425,754.00
TOTAL AMOUNT										\$425,754.00

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.

Not to Exceed: _____

Vendor: _____

Purpose: _____

Date: April 14, 2009

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