

RESOLUTION NUMBER R- 308370

DATE OF FINAL PASSAGE AUG 05 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN AGREEMENT WITH THE BARRIO LOGAN ASSOCIATION FOR ADMINISTRATION OF THE BARRIO LOGAN COMMUNITY BENEFIT MAINTENANCE ASSESSMENT DISTRICT.

WHEREAS, the Landscape and Lighting Act of 1972 (the "Act"), codified at California Streets and Highways Code section 22500 et seq., and the Maintenance Assessment District Ordinance, codified at San Diego Municipal Code section 65.0201 et seq., authorize the creation of maintenance assessment districts and set forth the procedure for the formation of a maintenance assessment district; and

WHEREAS, pursuant to the Act and San Diego Municipal Code section 65.0211, the City ordered, and an assessment engineer prepared and submitted, an engineer's report ("Engineer's Report") for the Barrio Logan Community Benefit Maintenance Assessment District ("District"); and

WHEREAS, pursuant to Resolution No. R-307736 adopted on October 9, 2012, the City Council approved the Engineer's Report submitted in connection with the District, which is on file in the Office of the City Clerk as Document No. RR-307736, and noticed November 27, 2012 in the City Council Chambers as the time and place for a public hearing of protests regarding the formation of the District; and

WHEREAS, pursuant to Resolution No. R-307889 adopted on November 28, 2012, it was determined, based on the ballots submitted by property owners, that no majority protest existed and the City Council confirmed the assessments and ordered the improvements, maintenance, and services to be performed within the District; and

WHEREAS, a majority of the ballots submitted by the property owners supported having the District administered by a non-profit corporation; and

WHEREAS, the Barrio Logan Association (the "Association") is currently awaiting its determination letter from the Internal Revenue Service regarding the Association's non-profit status; and

WHEREAS, the City Council desires to enter into a contract with the Association for administration of the District in accordance with the Act but also desires the District improvements, maintenance, and services to be performed as soon as possible; NOW, THEREFORE,

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

1. The Mayor is authorized and empowered to negotiate and execute a contract with the Association for administration of the District, such execution being contingent upon the Association first receiving its determination letter from the Internal Revenue Service confirming the Association's non-profit status.

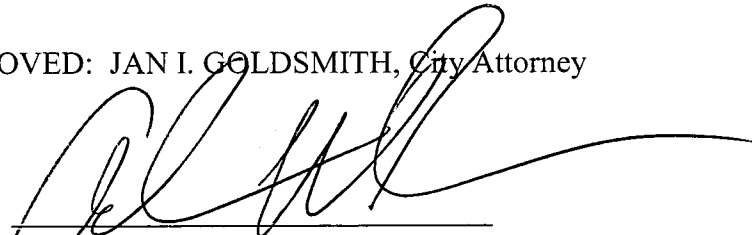
2. Until such time as the Association receives its determination letter from the Internal Revenue Service confirming the Association's non-profit status, the City shall administer the District in accordance with the District's Engineer's Report and budget.

3. The City's Chief Financial Officer or designee is authorized to appropriate, transfer, and expend assessment revenues from Fund No. 200707 Barrio Logan MAD for administration and operation of that District in accordance with the District's Engineer's Report and budget, contingent

upon the adoption of any necessary subsequent resolution authorizing the levy of assessments within the District and any Annual Budget Appropriation Ordinance for each applicable fiscal year, and provided that the Chief Financial Officer first furnishes one or more certificates that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

APPROVED: JAN I. GOLDSMITH, City Attorney

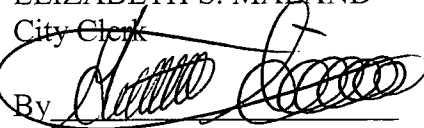
By


Adam R. Wander
Deputy City Attorney

ARW:mm
7/17/2013
Or. Dept: Council District 8
Doc. No. 600096

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 23 2013.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved:

8/2/13
(date)


BOB FILNER, Mayor

Vetoed:

(date)

BOB FILNER, Mayor

Passed by the Council of The City of San Diego on JUL 23 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 05 2013

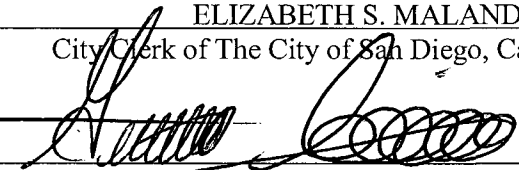
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

BOB FILNER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California
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