

ORDINANCE NUMBER O- 20737 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 01 2016

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 5, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 65.0206, 65.0217, AND 65.0221, ALL RELATING TO MAINTENANCE ASSESSMENT DISTRICTS.

WHEREAS, on June 1, 2016, the City Council passed Ordinance No. O-20653, amending Chapter 6, Article 5, Division 2 of the San Diego Municipal Code relating to Maintenance Assessment Districts (MADs); and

WHEREAS, those amendments addressed, among other things, a petition requirement for establishing a MAD, selecting an administrator for a MAD, and disestablishing a MAD; and

WHEREAS, the language regarding the petition requirement threshold references property owners who own 30 percent of the property within the MAD, which could be interpreted to mean a measurement of area instead of the intended measurement of individual parcels; and

WHEREAS, this ordinance is necessary to correct that unintended ambiguity; NOW, THEREFORE,

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

Section 1. That Chapter 6, Article 5, Division 2 of the San Diego Municipal Code is amended by amending sections 65.0206, 65.0217, and 65.0221, to read as follows:

**§65.0206 Establishment of a District**

A *district* may be established as provided in this Division, in the following manner:

(a) through (d) [No change in text.]

(e) Upon the submission of a written petition supporting the approved *district management plan*, signed by the *property owners* who own at least 30 percent of the total number of assessable parcels in the proposed *district*, as identified in the *district management plan* or *engineer's report*, or those *property owners* who would pay at least 30 percent of the proposed *assessments* to be generated in the proposed *district*, the City may initiate proceedings to establish a *district*. The petition shall contain a map showing the boundaries of the *district*, a general summary of the types of *improvements* and *activities* that will be provided within the *district*, the exact cost to the respective *property owner* and their proportional weight relative to the total budget proposed for the new *district* which will fund the costs of providing such *improvements* and *activities*.

(f) through (h) [No change in text.]

**§65.0217 Administration by an Owners' Association**

(a) through (b) [No change in text.]

(c) Upon the submission of a written petition, signed by the *property owners* who own at least 30 percent of the total number of assessed parcels in the *district*, as identified in the *district management plan* or *engineer's report*, or those *property owners* who pay at least 30 percent of the *assessments* generated in the *district*, the City may initiate proceedings to change the administrator of a *district*. If the *district* is currently administered by the City, the petition shall include a statement that the *property owners* desire

to have an *owners' association* administer the *district*. If the *district* is currently administered by an *owners' association*, the petition will include a statement as to whether the *property owners* desire the City or another *owners' association* to administer the *district*.

(1) through (3) [No change in text.]

(d) [No change in text.]

**§65.0221 Disestablishment of District; Procedures**

(a) through (b) [No change in text.]

(c) Section 65.0221(b) notwithstanding, *property owners* interested in dissolving a *district* shall provide a written petition to the City Manager verifying that *property owners* who own at least 30 percent of the total number of assessed parcels in the *district*, as identified in the management plan or *engineer's report*, or those *property owners* who pay at least 30 percent of the *assessments* generated in the *district*, support dissolution of the *district*.

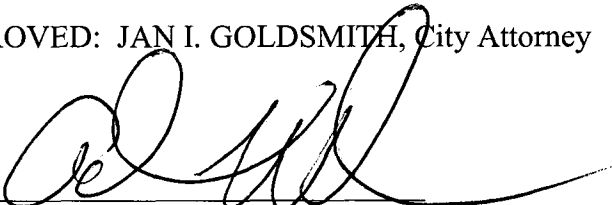
(1) through (2) [No change in text.]

(d) [No change in text.]

Section 2. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. 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   
Adam R. Wander  
Deputy City Attorney

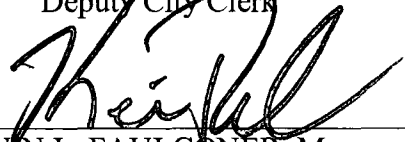
ARW:mm:als  
09/14/2016  
Or.Dept: Econ. Dev't.  
Doc. No.: 1348471

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of OCT 18 2016.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 10/31/16  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

(Note: The date of final passage is November 1, 2016, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

**STRIKEOUT ORDINANCE**

**OLD LANGUAGE: ~~Struck Out~~**

**NEW LANGUAGE: Double Underline**

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

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A *district* may be established as provided in this Division, in the following manner:

- (a) through (d) [No change in text.]
- (e) Upon the submission of a written petition supporting the approved *district management plan* ~~management plan~~ management plan, signed by the *property owners* who own at least 30 percent of the ~~property~~ total number of assessable parcels in the proposed *district*, as identified in the district management plan or engineer's report, or those *property owners* who would pay at least 30 percent of the proposed *assessments* to be generated in the proposed *district*, the City may initiate proceedings to establish a *district*. The petition shall contain a map showing the boundaries of the *district*, a general summary of the types of *improvements* and *activities* that will be provided within the *district*, the exact cost to the respective *property owner* and their proportional weight relative to the total budget proposed

for the new *district* which will fund the costs of providing such *improvements and activities*.

(f) through (h) [No change in text.]

**§65.0217 Administration by an Owners' Association**

(a) through (b) [No change in text.]

(c) Upon the submission of a written petition, signed by the *property owners* who own at least 30 percent of the *property* total number of assessed parcels in the district, as identified in the district management plan or engineer's report, or those *property owners* who pay at least 30 percent of the *assessments* generated in the *district*, the City may initiate proceedings to change the administrator of a *district*. If the *district* is currently administered by the City, the petition shall include a statement that the *property owners* desire to have an *owners' association* administer the *district*. If the *district* is currently administered by an *owners' association*, the petition will include a statement as to whether the *property owners* desire the City or another *owners' association* to administer the *district*.

(1) through (3) [No change in text.]

(d) [No change in text.]

**§65.0221 Disestablishment of District; Procedures**

(a) through (b) [No change in text.]

(c) Section 65.0221(b) notwithstanding, *property owners* interested in dissolving a *district* shall provide a written petition to the City Manager verifying that *property owners* who own at least 30 percent of the *property*

total number of assessed parcels in the district, as identified in the district management plan or engineer's report, or those *property owners* who pay at least 30 percent of the *assessments* generated in the *district*, support dissolution of the *district*.

(1) through (2) [No change in text.]

(d) [No change in text.]

ARW:mm:als  
09/14/2016  
Or. Dept: Econ. Dev't.  
Doc. No. 1348467

Passed by the Council of The City of San Diego on OCT 18 2016, 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"/>
Lorie Zapf	<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"/>
Chris Cate	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 01 2016

AUTHENTICATED BY:

(Seal)

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

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

By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

SEP 27 2016, and on NOV 01 2016

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

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

By [Signature], Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>20737</u>