

ORDINANCE NUMBER O- 20764 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 16 2016

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 31 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.3101 AND ADDING SECTION 22.3110 REGARDING THE ACQUISITION OF REAL PROPERTY INTERESTS FOR PUBLIC WORKS PROJECTS.

WHEREAS, the City is responsible for the construction, reconstruction, repair, operation and maintenance of City facilities such as public buildings, streets, utilities, and other infrastructure; and

WHEREAS, the City Manager must request City Council approval of almost all acquisitions of real property interests needed for public works projects, even though the City Manager has authority to award most public works contracts in the Council-approved Capital Improvements Program budget without further City Council approval; and

WHEREAS, the vast majority of these acquisitions are uncontested, where the property owners agree to the compensation package proposed by the Real Estate Assets Department; and

WHEREAS, staff estimates it could save three months' time and \$8,000 in staff costs on each public works project, assuming the required real property interests are uncontested and the City Manager has the authority to acquire these interests without City Council approval; NOW, THEREFORE,

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

Section 1. That Chapter 2, Article 2, Division 31 of the San Diego Municipal Code is amended by amending section 22.3101 and adding section 22.3110 to read as follows:

**Division 31: Public Works Contracts**

**§22.3101 Purpose**

This Division establishes requirements and procedures for the award of *public works contracts* and related matters regarding public works projects.

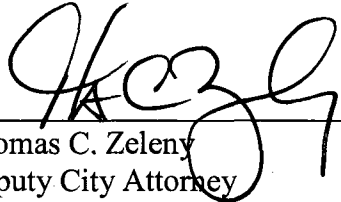
**§22.3110 Acquisition of Interests in Real Property**

- (a) Notwithstanding any other provision of this Code, the City Manager may acquire interests in real property necessary for the construction, reconstruction, repair, operation, or maintenance of City facilities without City Council approval, provided that:
  - (1) For projects previously identified and appropriated through the Annual Capital Improvements Program budget, sufficient funds are available in the approved project budget to acquire the property interests.
  - (2) For projects that are not identified and appropriated through the Annual Capital Improvements Program budget but are related to existing City facilities, the cost of the property interests being acquired does not exceed \$250,000 per parcel.
- (b) This section does not apply to acquisition of interests in real property by eminent domain.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City 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   
Thomas C. Zeleny  
Deputy City Attorney

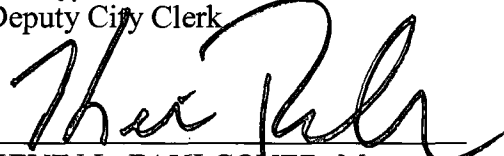
TCZ:mt  
September 9, 2016  
Or.Dept:Public Works  
Doc. No. 1347661\_5

I hereby certify that the foregoing ordinance was passed by the Council of the City of San Diego, at this meeting of DEC 06 2016

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 12/14/16  
(date)

  
KEVIN L. FAULCONER, Mayor

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

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

(NOTE: The date of final passage is December 16, 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**

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DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2,  
DIVISION 31 OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTION 22.3101 AND ADDING SECTION  
22.3110 REGARDING THE ACQUISITION OF REAL  
PROPERTY INTERESTS FOR PUBLIC WORKS PROJECTS.

**Division 31: Public Works Contracts**

**§22.3101 Purpose**

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**§22.3110 Acquisition of Interests in Real Property**

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(1) For projects previously identified and appropriated through the Annual Capital Improvements Program budget, sufficient funds are available in the approved project budget to acquire the property interests.

(2) For projects that are not identified and appropriated through the Annual Capital Improvements Program budget but are related to existing City facilities, the cost of the property interests being acquired does not exceed \$250,000 per parcel.

(b) This section does not apply to acquisition of interests in real property by eminent domain.

TCZ:mt  
September 12, 2016  
Or.Dept:Public Works  
Doc. No.: 1348776

Passed by the Council of The City of San Diego on DEC 06 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"/>
District 3 - (Vacant)	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 16 2016

AUTHENTICATED BY:

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

(Seal)

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

By *Hinda Bruen*, 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

NOV 15 2016

, and on

DEC 16 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 *Hinda Bruen*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20764