

<b>REQUEST FOR COUNCIL ACTION</b> CITY OF SAN DIEGO	CERTIFICATE NUMBER (FOR COMPTROLLER'S USE ONLY) pending
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TO: CITY COUNCIL	FROM (ORIGINATING DEPARTMENT): Transportation&Storm Water Dept	DATE: 03/15/2013
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SUBJECT: Declaring Surplus in the La Jolla Mesa Vista Underground Utility Assessment District

PRIMARY CONTACT (NAME, PHONE): Hasan Yousef ,(619) 533-3012 MS 608	SECONDARY CONTACT (NAME, PHONE): Mario Reyes, (619) 533-7426 MS 908A
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**COMPLETE FOR ACCOUNTING PURPOSES**

FUND	200502				
DEPT / FUNCTIONAL AREA	OTHR-00000000-TR				
ORG / COST CENTER	9913000011				
OBJECT / GENERAL LEDGER ACCT	512209				
JOB / WBS OR INTERNAL ORDER	12003959				
C.I.P./CAPITAL PROJECT No.					
AMOUNT	\$125,882.71	0.00	0.00	0.00	0.00

FUND					
DEPT / FUNCTIONAL AREA					
ORG / COST CENTER					
OBJECT / GENERAL LEDGER ACCT					
JOB / WBS OR INTERNAL ORDER					
C.I.P./CAPITAL PROJECT No.					
AMOUNT	0.00	0.00	0.00	0.00	0.00

COST SUMMARY (IF APPLICABLE):

**ROUTING AND APPROVALS**

CONTRIBUTORS/REVIEWERS:	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
Environmental Analysis	ORIG DEPT.	Sturdevan, Kip	3/25/2013
Liaison Office	CFO		
Debt Management	DEPUTY CHIEF		
Financial Management	COO		
Comptroller	CITY ATTORNEY		
	COUNCIL PRESIDENTS OFFICE		

PREPARATION OF:     RESOLUTIONS     ORDINANCE(S)     AGREEMENT(S)     DEED(S)

1. Declaring Surplus funds in the La Jolla Mesa Vista Underground Utility Assessment District, Fund 200502 La Jolla Mesa Vista, in the amount not to exceed \$125,882.71, as outlined within the State of California - Street and Highways Code § 10427, which was originally established to fund the accelerated project for the purpose of undergrounding overhead utilities within the La Jolla Community Planning Area; and

2. The Chief Financial Officer is authorized to expend an amount not to exceed \$125,882.71 from Fund 200502, La Jolla Mesa Vista Underground Utility Assessment District Fund for the purpose of returning cash to the person or persons owning the assessed property, as outlined within the State of California - Street and Highways Codes § 10427(b) and 10427.1(b); contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer; and
3. The Chief Financial Officer is authorized to transfer, if any, an amount not to exceed \$1,000 from Fund 200502, La Jolla Mesa Vista Underground Utility Assessment District Fund to Fund 200217, Utilities Undergrounding Fund, as outlined within the State of California - Street and Highways Code § 10427(a), for the sole purpose of closing out the Fund.

**STAFF RECOMMENDATIONS:**  
Adopt resolution

**SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION)**

<b>COUNCIL DISTRICT(S):</b>	1
<b>COMMUNITY AREA(S):</b>	La Jolla
<b>ENVIRONMENTAL IMPACT:</b>	This activity is not subject to CEQA in accordance with CEQA Guidelines Section 15060(c)(2) as the activity will not result in a direct or reasonably foreseeable physical change in the environment.
<b>CITY CLERK INSTRUCTIONS:</b>	Print Docket supporting information both at the time of the Resolution and at the time of the hearing. Send copy of the adopted resolution to Mario Reyes, MS908A, and print and mail Docket Supporting Information to the following: CAUSE, c/o Charles Wolfinger, 4655 Cass Street, Suite 314, San Diego, CA 92109; Pamela Wayne, 5142 Seagrove Ct., San Diego, CA 92130; and Joan Tukey, 4528 Exbury Court, San Diego, CA 92130.

**COUNCIL ACTION  
EXECUTIVE SUMMARY SHEET  
CITY OF SAN DIEGO**

DATE: 03/15/2013

ORIGINATING DEPARTMENT: Transportation&Storm Water Dept

SUBJECT: Declaring Surplus in the La Jolla Mesa Vista Underground Utility Assessment District

COUNCIL DISTRICT(S): 1

CONTACT/PHONE NUMBER: Hasan Yousef /(619) 533-3012 MS 608

**DESCRIPTIVE SUMMARY OF ITEM:**

This action is to declare a surplus in the La Jolla Mesa Vista Underground Utility Assessment District. This will allow the funds to be returned to the current property owners of record of the assessed properties, and return any residual funds back to the Utilities Undergrounding Fund.

**STAFF RECOMMENDATION:**

Adopt resolution

**EXECUTIVE SUMMARY OF ITEM BACKGROUND:**

In early 2006, property owners in the La Jolla Mesa Vista (LJMV) neighborhood expressed interest in forming a Special Assessment District under the Municipal Improvement Act of 1913 [1913 Act] for the purpose of undergrounding overhead utilities within their community. Per the City's Undergrounding Master Plan, undergrounding of utilities in this neighborhood was scheduled to be completed in calendar year 2028. The formation of the Special Assessment District allowed for the utilities in LJMV to be undergrounded much sooner than the originally scheduled date.

The petition to initiate the process of forming the Assessment District was approved by City Council on June 5, 2007 (Resolution 302706). The results of the Assessment ballots were approved by the City Council during the public hearing meeting held on July 23, 2007 (Resolution 302864). City Council approved the assessment of \$690,412.00 to be levied on 56 parcels within the LJMV community for the purpose of undergrounding overhead utilities. This cost was apportioned based on the Engineer's Report for the LJMV Underground Utility Assessment District No. 4098, prepared by Bureau Veritas North America, Inc. The levy was assessed on the fiscal year 2008 property tax bill. The total project budget of \$1,096,222.00 included \$25,810 paid by the residents to initiate the process, the assessment of \$690,412.00 from participating residents, and \$380,000 contribution from the City's Utilities Undergrounding Program.

The LJMV undergrounding project was completed in December, 2012 at a total cost of \$970,339.29, resulting in a surplus of \$125,882.71.

In accordance with the 1913 Act, prior to refunding any assessment, the City Council must first declare a surplus remaining in the improvement fund. Upon approval by the City Council, the Comptroller Office will issue a refund to the current property owners of record, with each property owner receiving a refund amount in the same proportion in which the assessment was originally levied, as determined in the Engineer's Report.

**FISCAL CONSIDERATIONS:**

Total cost of the disbursement to assessed property owners is not to exceed \$125,882.71; of which, declared surplus funding is available in Fund 200502, La Jolla Mesa Vista Underground Utility Assessment District Fund, contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer. As outlined within the State of California - Street and Highways Code § 10427(a), the City is authorized to transfer, if any, an amount not to exceed \$1,000 from Fund 200502, La Jolla Mesa Vista Underground Utility Assessment District Fund to Fund 200217, Utilities Undergrounding Fund for the purpose of closing out the Fund.

**EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):**

N/A

**PREVIOUS COUNCIL and/or COMMITTEE ACTION** (describe any changes made to the item from what was presented at committee):

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

Various community meetings and public hearings were conducted in the creation and implementation of the La Jolla Mesa Vista Undergrounding District.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

Residents of the La Jolla Mesa Vista Community

Sturdevan, Kip

Originating Department

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Deputy Chief/Chief Operating Officer

The City of San Diego  
 COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

CC 3000006032

Originating Business Area: 2116

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: \$125,882.71 Fund: 200502

Purpose: To declare surplus funding is available in fund 200502, La Jolla Mesa Vista Underground Utility Assessment District Fund for the purpose of returning the funds to the community and closing out the fund.

Date: April 18, 2013 By: Van Nguyen

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
001		200502		512209	OTHR-00000000-TR	9913	9913000011		\$125,882.71
TOTAL AMOUNT									\$125,882.71

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: \_\_\_\_\_ By: \_\_\_\_\_

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
TOTAL AMOUNT									\$0.00

CC-361 (REV 7-09)

FUND OVERRIDE

CC 3000006032

2116