

001813

REQUEST FOR COUNCIL ACTION
 CITY OF SAN DIEGO

 1. CERTIFICATE NUMBER
 (FOR AUDITOR'S USE) 122
 12/02

TO: CITY ATTORNEY

 2. FROM (ORIGINATING DEPARTMENT):
 DEVELOPMENT SERVICES DEPARTMENT

 3. DATE:
 AUGUST 22, 2008

4. SUBJECT:

CONFLICT OF INTEREST CODE FOR DEVELOPMENT SERVICES DEPARTMENT

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)

Jackie Cruz, MS 401, 619/446-5261

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.)

Raquel Torres, MS 401, 619/446-5254

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED



8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	DEPT.	ORGANIZATION	OBJECT ACCOUNT	JOB ORDER	C.I.P. NUMBER	AMOUNT	9. ADDITIONAL INFORMATION / ESTIMATED COST:
							No financial impact.

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	<i>[Signature]</i>	8/15/08	8	DEPUTY CHIEF	<i>[Signature]</i>	8/21/08
2				9	COO		
3				10	CITY ATTORNEY	<i>[Signature]</i>	11/19/08
4	CFO			11	ORIG. DEPT	<i>[Signature]</i>	11/19/08
5					DOCKET COORD:	COUNCIL LIAISON	
6				<input checked="" type="checkbox"/>	COUNCIL PRESIDENT	<input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION	
7					REFER TO:	COUNCIL DATE: 12/2/08	

11. PREPARATION OF:

 RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

Adopting the revised Conflict of Interest Code for Development Services Department.

11A. STAFF RECOMMENDATIONS: Approve the revised Conflict of Interest Code and appendices as submitted.

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

COUNCIL DISTRICT(S): All

COMMUNITY AREA(S): Citywide

ENVIRONMENTAL IMPACT: N/A

HOUSING IMPACT: N/A

OTHER ISSUES: NONE

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EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: AUGUST 22, 2008

REPORT NO.:

ATTENTION: CITY COUNCIL

ORIGINATING DEPARTMENT: DEVELOPMENT SERVICES DEPARTMENT

SUBJECT: BIENNIAL REVIEW: CONFLICT OF INTEREST CODES

COUNCIL DISTRICT(S): N/A

STAFF CONTACT: JACKIE CRUZ (619) 446-5261

REQUESTED ACTION: Resolution

STAFF RECOMMENDATION:

Pass Resolution

EXECUTIVE SUMMARY:

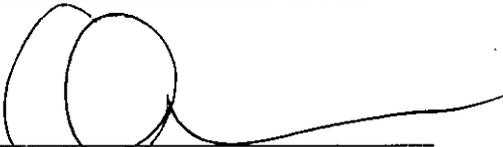
This revision is intended to conform to Government Code Section 87305.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-303718 adopted on May 27, 2008. The Development Services Department code has been revised to reflect modified positions and classification titles. Classifications were consolidated due to the reorganization of the department.

FISCAL CONSIDERATIONS: 0

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable): N/A



[DEPT. HEAD]

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2008 Local Agency Biennial Notice

Name of Agency: Development Services Department

Mailing Address: 1222 1st Avenue, MS 401, San Diego, CA 92101

Contact Person: Jackie Cruz/Raguel Torres

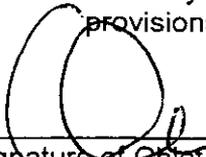
Phone Number: (619) 446-5261/ (619) 446-5254 Fax Number: (619) 321-3232

E-mail: JWCruz@sandiego.gov/RTorres@sandiego.gov

This agency has reviewed its conflict of interest code and has determined that:

- The code needs to be amended and the following amendments are necessary:
(Check all that apply)
- Include new positions (including consultants) which must be designated (App. A)
- Delete positions that manage public investments from the list of designated positions.
- Revise disclosure categories (App. B)
- Revise the titles of existing positions (App. A)
- Delete the titles of positions that have been abolished (App. A)
- Other (position no longer exists in the budget) & (positions not required to file)
- Summary of documented dispute and resolution

No amendments are necessary. The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.



Signature of Chief Executive Officer

8/15/08

Date

You must complete this report regardless of how recently your code was approved or amended.

Please return this report by August 22, 2008, to:

Denise Jenkins, Elections Analyst
Office of the City Clerk
202 C Street, MS 2A, San Diego, CA 92101

CERTIFICATION

The foregoing amendment to the Conflict of Interest Code was prepared by the City of San Diego's Development Services Department
(name of department/agency/board)

after a fair opportunity was offered to the members of the department/agency/board to present their views.



(signature of executive officer)

8/15/08

(date)

DEVELOPMENT SERVICES DEPARTMENT (1300)**MANAGEMENT**

<u>Position</u>	<u>Duties</u>	<u>Category</u>
Director	Policy formulation, contract approval, discretionary approval, environmental approval. Policy guidance for the operating programs of the Neighborhood Code Compliance division, including code writing, code interpretation and enforcement policy.	1
Deputy Director (Chief Bldg Official)	Administer appropriate work programs.	1
Deputy Director	Administer appropriate work programs.	1
Asst. Deputy Director	Assist the Deputy Director in the administration of appropriate work programs.	1
Program Manager (consolidated position)	Administer appropriate work programs, policy formulation, writing Managers Reports which include making recommendations to decision-makers. Manages Department IT services, telecommunication, and GIS functions. Manages City addressing and zone mapping.	1
Consultant	Consultants shall be included in the list of designed employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:	3

The Director, Deputy Directors or Assistant Deputy Directors may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and based upon that description a statement of the extent of disclosure requirements. The Director, Deputy Directors or Assistant Deputy Director's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

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SUPPORT SERVICES-DEVELOPMENT SERVICES

Positions are in alphabetical order.
(DSD positions/sections consolidated)

<u>Position</u>	<u>Duties</u>	<u>Category</u>
Building Inspection Supervisor	Code writing, construction inspection, code interpretation; material approvals.	2
Development Project Manager I	Project management and coordination; code and ordinance interpretation; code writing; development review; project approval.	2
Development Project Manager II	Project management and coordination; code and ordinance interpretation; code writing; development review; project approval.	2
Development Project Manager III	Project management and coordination; code and ordinance interpretation; code writing; policy formation; development review; project approval.	2
Fire Prevention Supervisors	Plan checking, code interpretation and enforcement, permit issuance, fire inspection and investigation.	2
Information Systems Administrator (added position)	Administer appropriate work programs, policy formulation and makes recommendations to decision-makers on automated systems.	2
Information Systems Analyst IV	Liaison between department and San Diego Processing Corporation or private vendors of automated systems.	2
Program Manager (duplicate entry/consolidated)	Administer appropriate work programs, policy formulation, writing Managers Reports which include making recommendations to decision makers. Manages Department IT Services, telecommunication, and GIS functions. Manages City addressing and zone mapping.	4
Senior Building Inspector (Combination, Electrical, Mechanical, Structural) (alphabetical order)	Construction inspection.	2
BUILDING SAFETY & CONSTRUCTION		
Senior Engineering (Civil, Mechanical Structural, Traffic) (alphabetical order)	Code interpretation and policy formation; construction inspection; consultants agreements; material approval; subdivision approval; project management; contract payment; assessment spreads.	2

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SUPPORT SERVICES-DEVELOPMENT SERVICES

Positions are in alphabetical order.
(DSD positions/sections consolidated)

<u>Position</u>	<u>Duties</u>	<u>Category</u>
Senior Engineer (Fire Protection) (title change)	Technical advisor for fire and building staff, advise the Board of Appeals, review smoke control systems for large buildings bldgs, provide training for staff, code interpretations and administrative duties assigned by the building official.	2
Senior Engineering Geologist	Review geological documents, construction inspection, material approval, subdivision approval, project management.	2
Senior Land Surveying (title change)	Code interpretation and formation; consultants agreements; subdivision and street action approval.	2
Senior Planner (Assigned as Hearing Officer)	Development review; Discretionary Permit review; policy interpretations of adopted ordinances; conduct hearings for Process 3 projects; hear appeals of Process 2 projects; perform Environmental Review.	2
Senior Planner (Code Group) (added position)	Researches, reviews, and interprets Land Development Codes; advises and makes recommendations to decision makers; and drafts amendments.	2
Supervising Management Analyst	Analyzes budgetary data; prepares and administers budgets; assures proper disbursements and expenditures; performs special procedural, operational, revenue and expenditure analysis.	2
Supervising Plan Review Specialist	Plan checking; code and ordinance interpretation.	2
Supervising Public Information Officer	Serves as media liaison, researches complex subjects and provides overview of status to the media; manages and produces (either directly or indirectly) all content provided to the public via printed materials and the internet; actively institutes practices designed to improved customer service.	2
<u>Position</u>	<u>Duties</u>	<u>Category</u>
Program Manager (duplicate entry/consolidated)	Manage staff teams for processing affordable/infill residential and sustainable building projects; policy formulation, writing Managers Reports which includes making recommendations to decision makers.	1

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(DSD positions/sections consolidated)

LAND DEVELOPMENT REVIEW

<u>Position</u>	<u>Duties</u>	<u>Category</u>
Engineering Senior (Structural, Civil, Traffic) (duplicate entry/consolidated)	Code interpretation and policy formation; construction inspection; consultants agreements; material approval; subdivision approval; project management; contract payment; assessment spreads.	2
Senior Engineering Geologist (duplicate entry/consolidated)	Review geological documents, construction inspection, material approval, subdivision approval, project management	2

INFORMATION AND APPLICATION SERVICES

<u>Position</u>	<u>Duties</u>	<u>Category</u>
Principal Plan Review Specialist (deleted position/no longer exists in the budget)	Manage staff teams to plan, direct and coordinate through subordinate supervisors, the permit services and public plan check functions; which include making recommendations to decision-makers.	2
		2

PROJECT MANAGEMENT

<u>Position</u>	<u>Duties</u>	<u>Category</u>
Program Manager (duplicate entry/consolidated)	Manage staff teams for processing affordable/infill residential and sustainable building projects; policy formulation, writing Managers Reports which includes making recommendations to decision-makers.	4
Engineering Senior (Structural, Civil, Traffic, Mechanical) (duplicate entry/consolidated)	Code interpretation and policy formation; construction inspection; consultants agreements; material approval; project management; contract payment, assessment spreads.	2

LOCAL ENFORCEMENT AGENCY (ONLY)

LOCAL ENFORCEMENT AGENCY (10235)

<u>Position</u>	<u>Duties</u>	<u>Category</u>
Program Manager	Administer appropriate work programs; perform permit and environmental review; writing and revising ordinances; code writing and interpretation; policy formulation; writing Managers Reports which include making recommendations to decision-makers.	1

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NEIGHBORHOOD CODE
COMPLIANCE

<u>Position</u>	<u>Duties</u>	<u>Category</u>
Program Manager-Deputy Director (title correction)	Administers the work program for the Land Development Code; code writing, code interpretation and enforcement policy formulation.	1
Senior Civil Engineer	Plan checking; code and policy interpretation and enforcement policy formulation.	2
Senior Planner	Obligates and commits NCC to courses of action to include administrative remedies. Advises and makes recommendations to decision makers. Performs investigations, Analysis, research and exercises judgment with the intent to influence decisions. Makes decisions that may affect real estate interests.	2
Housing Advisory and Appeals Board Member	Obligates and commits NCC to courses of action. Advises and makes recommendations to decision makers. Makes decisions that may affect real estate interests.	2
Hearing Officer (Consultant)	Preside at administrative hearings to ensure due process is Afforded; review appropriateness of penalties and administrative actions, issue subpoenas and issue binding administrative enforcement orders.	3
Senior Zoning Investigator	Obligates and commits NCC to courses of action to include administrative remedies. Advises and makes recommendations to decision makers. Performs investigations, analysis, research and exercises judgment with the intent to influence decisions. Makes decisions that may affect real estate interests.	2
Zoning Investigator	[description deleted]	2
Senior Combination Inspector	Obligates and commits NCC to courses of action to include administrative remedies. Advises and makes recommendations to decision makers. Performs investigations, analysis, research and exercises judgment with the intent to influence decisions. Makes decisions that may affect real estate interests.	2
Combination Inspector	[description deleted]	2
Community Development Specialist	Obligates and commits NCC to courses of action to include administrative remedies. Advises and makes recommendations to decision makers. Performs investigations, analysis, research and exercises judgment with the intent to influence decisions. Makes decisions that may affect real estate interests.	2
Code Compliance Officer	[description deleted]	2
NCC Volunteer	[description deleted]	2

APPENDIX A

DEVELOPMENT SERVICES DEPARTMENT (1300)**MANAGEMENT**

<u>Position</u>	<u>Duties</u>	<u>Category</u>
Director	Policy formulation, contract approval, discretionary approval, environmental approval. Policy guidance for the operating programs of the Neighborhood Code Compliance division, including code writing, code interpretation and enforcement policy.	1
Deputy Director (Chief Bldg Official)	Administer appropriate work programs.	1
Deputy Director	Administer appropriate work programs.	1
Asst. Deputy Director	Assist the Deputy Director in the administration of appropriate work programs.	1
Program Manager	Administer appropriate work programs, policy formulation, writing Managers Reports which include making recommendations to decision-makers. Manages Department services and functions.	1
Consultant	<p>Consultants shall be included in the list of designed employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:</p> <p>The Director, Deputy Directors or Assistant Deputy Directors may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and based upon that description a statement of the extent of disclosure requirements. The Director, Deputy Directors or Assistant Deputy Director's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.</p>	3

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DEVELOPMENT SERVICES (1300)

<u>Position</u>	<u>Duties</u>	<u>Category</u>
Building Inspection Supervisor	Code writing, construction inspection, code interpretation; material approvals.	2
Development Project Manager I	Project management and coordination; code and ordinance interpretation; code writing; development review; project approval.	2
Development Project Manager II	Project management and coordination; code and ordinance interpretation; code writing; development review; project approval.	2
Development Project Manager III	Project management and coordination; code and ordinance interpretation; code writing; policy formation; development	2
Fire Prevention Supervisor	Plan checking, code interpretation and enforcement, permit issuance, fire inspection and investigation.	2
Information Systems Administrator	Administer appropriate work programs, policy formulation and makes recommendations to decision-makers on automated systems.	2
Information Systems Analyst IV	Liaison between department and San Diego Processing Corporation or private vendors of automated systems.	2
Senior Building Inspector (Combination, Electrical, Mechanical, Structural)	Construction inspection.	2
Senior Engineer (Civil, Mechanical Structural, Traffic)	Code interpretation and policy formation; construction inspection; consultants agreements; material approval; subdivision approval; project management; contract payment; assessment spreads.	2
Senior Engineer (Fire Protection)	Technical advisor for fire and building staff, advise the Board of Appeals, review smoke control systems for large buildings, provide training for staff, code interpretations and administrative duties assigned by the building official.	2
Senior Engineering Geologist	Review geological documents, construction inspection, material approval, subdivision approval, project management.	2

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DEVELOPMENT SERVICES (1300)

<u>Position</u>	<u>Duties</u>	<u>Category</u>
Senior Land Surveyor	Code interpretation and formation; consultants agreements; subdivision and street action approval.	2
Senior Planner (Assigned as Hearing Officer)	Development review; Discretionary Permit review; policy interpretations of adopted ordinances; conduct hearings for Process 3 projects; hear appeals of Process 2 projects; perform Environmental Review.	2
Senior Planner (Code Group)	Researches, reviews, and interprets Land Development Codes; advises and makes recommendations to decision makers; and drafts amendments.	2
Supervising Management Analyst	Analyzes budgetary data; prepares and administers budgets; assures proper disbursements and expenditures; performs special procedural, operational, revenue and expenditure analysis.	2
Supervising Plan Review Specialist	Plan checking; code and ordinance interpretation.	
Supervising Public Information Officer	Serves as media liaison, researches complex subjects and provides overview of status to the media; manages and produces (either directly or indirectly) all content provided to the public via printed materials and the internet; actively institutes practices designed to improved customer service.	2

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LOCAL ENFORCEMENT AGENCY (10235)

<u>Position</u>	<u>Duties</u>	<u>Category</u>
Program Manager	Administer appropriate work programs; perform permit and environmental review; writing and revising ordinances; code writing and interpretation; policy formulation; writing Managers Reports which include making recommendations to decision-makers.	1

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**NEIGHBORHOOD CODE
COMPLIANCE**

<u>Position</u>	<u>Duties</u>	<u>Category</u>
Deputy Director	Administers the work program for the Land Development Code; code writing, code interpretation and enforcement policy formulation.	1
Senior Civil Engineer	Plan checking; code and policy interpretation and enforcement policy formulation.	2
Senior Planner	Obligates and commits NCC to courses of action to include administrative remedies. Advises and makes recommendations to decision makers. Performs investigations, Analysis, research and exercises judgment with the intent to influence decisions. Makes decisions that may affect real estate interests.	2
Housing Advisory and Appeals Board Member	Obligates and commits NCC to courses of action. Advises and makes recommendations to decision makers. Makes decisions that may affect real estate interests.	2
Hearing Officer (Consultant)	Preside at administrative hearings to ensure due process is Afforded; review appropriateness of penalties and administrative actions, issue subpoenas and issue binding administrative enforcement orders.	3
Senior Zoning Investigator	Obligates and commits NCC to courses of action to include administrative remedies. Advises and makes recommendations to decision makers. Performs investigations, analysis, research and exercises judgment with the intent to influence decisions. Makes decisions that may affect real estate interests.	2
Senior Combination Inspector	Obligates and commits NCC to courses of action to include administrative remedies. Advises and makes recommendations to decision makers. Performs investigations, analysis, research and exercises judgment with the intent to influence decisions. Makes decisions that may affect real estate interests.	2
Community Development Specialist	Obligates and commits NCC to courses of action to include administrative remedies. Advises and makes recommendations to decision makers. Performs investigations, analysis, research and exercises judgment with the intent to influence decisions. Makes decisions that may affect real estate interests.	2

APPENDIX B
DISCLOSURE CATEGORY

DEVELOPMENT SERVICES DEPARTMENT

Category 1: Investments and business positions in any business entity located in or doing business with the City of San Diego.

Income and gifts from sources located in or doing business with the City of San Diego.

Interests in real property located in the City of San Diego, including property located within a two-mile radius of any property owned or used by the City.

Category 2: Investments and business positions in any firm or business entity that supplies goods or services to the City, that is a tenant of the City, that is an adverse party to the City in a legal proceeding or is granted authority by the City to use City facilities.

Interests in real property owned or used by any person or business entity that supplies goods or services to the City, that is a tenant of the City, that is an adverse party to the City in a legal proceeding or is granted authority by the City to use City facilities.

Income and gifts from any person or business entity that supplies goods or services to the City, that is a tenant of the City, that is an adverse party to the City in a legal proceeding, or is granted authority by the City to use City facilities.

For purposes of this category, any person or business entity means any construction firm, building supply firm, real estate or land development firm, architectural or engineering firm, land use data services firm, property information retrieval firm, geological services firm or financial institution doing business in or with the City of San Diego, or having the potential of doing business with the City of San Diego.

DISCLOSURE BY CONSULTANTS

Category 3: Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Director, Deputy Directors or Assistant Deputy Directors may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and based upon that description a statement of the extent of disclosure requirements. The Director, Deputy Directors or Assistant Deputy Director's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

RESOLUTION ADOPTING A REVISED CONFLICT OF
INTEREST CODE FOR THE DEVELOPMENT SERVICES
DEPARTMENT

WHEREAS, Government Code sections 87300 and 87302 require local agencies to adopt conflict of interest codes designating positions that involve the making or participation in making of decisions which may foreseeably have a material effect on financial interests, and for each position, the financial interests which are reportable; and

WHEREAS, in compliance with Government Code section 87306.5, the City is in the midst of a required City-wide biennial review of all conflict of interest codes for which the City Council serves as code-reviewing body; and

WHEREAS, by Resolution R-303718 (approved by the City Council on May 20, 2008); the City Council directed every City department, agency, board and commission for which the City Council serves as code-reviewing body to make biennial reports and to update their conflict of interest codes as necessary; and

WHEREAS, as the City's code-reviewing body, the City Council finds it in the public interest to adopt the standard conflict of interest code promulgated by the California Fair Political Practices Commission [FPPC] in Regulation 18730, and hereby declares its intention to incorporate by reference the terms of FPPC Regulation 18730 and any amendments to that regulation duly adopted by the FPPC as part of each conflict of interest code for which the City Council has responsibility; and

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WHEREAS, by Resolution No. 302203, the City Council on December 5, 2006, approved a revised Conflict of Interest Code for the Development Services Department; and

WHEREAS, the Development Services Department now seeks to revise its conflict of interest code to include new positions that must be designated, delete other positions, and revise position descriptions and titles; and

WHEREAS, the City Council concurs that a revised Conflict of Interest Code be adopted for the Development Services Department; and

WHEREAS, Government Code section 87303 provides that when a proposed conflict of interest code or amendment is approved by the code-reviewing body, it shall be deemed adopted, and, accordingly, this resolution is not subject to veto by the Mayor; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that a Conflict of Interest Code for the Development Services Department is hereby adopted, consisting of standard language embodied in title 2, section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories.

BE IT FURTHER RESOLVED, that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Development Services Department as adopted be placed on file in the Office of the City Clerk as Document No. RR-_____.

BE IT FURTHER RESOLVED, that the persons whose positions are designated in the revised Conflict of Interest Code for the Development Services Department shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in

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Government Code section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements and leaving office statements.

BE IT FURTHER RESOLVED, that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction.

BE IT FURTHER RESOLVED, that the Conflict of Interest Code for the Development Services Department becomes effective upon the date of adoption of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Sharon B. Spivak
Deputy City Attorney

SBS:als
11/19/08
Or.Dept:Development Services
R-2009-210