

RESOLUTION NUMBER R- 313608

DATE OF FINAL PASSAGE JUN 24 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE OPERATING AND
MANAGEMENT AGREEMENT WITH BIRD ROCK
COMMUNITY DEVELOPMENT CORPORATION TO
ADMINISTER THE BIRD ROCK MAINTENANCE
ASSESSMENT DISTRICT.

WHEREAS, the Bird Rock Maintenance Assessment District (District) is an existing district as defined in San Diego Municipal Code section 65.0202 and is authorized and administered in accordance with the following laws, as applicable: Article XIID of the California Constitution, the Proposition 218 Omnibus Implementation Act (California Government Code sections 53750-53758), and the Maintenance Assessment District Procedural Ordinance (San Diego Municipal Code sections 65.0201-65.0222); and

WHEREAS, on June 14, 2005, the Council adopted Resolution No. R-300531 approving the Engineer's Report submitted in connection with the District, and on August 2, 2005, adopted Resolution No. R-300746 establishing the District; and

WHEREAS, the Engineer's Report for the District, on file in the Office of the City Clerk as Document No. RR- 308531-2, describes, among other things, the improvements and activities to be undertaken for the benefit of property owners within the District; and

WHEREAS, pursuant to San Diego Municipal Code (Municipal Code) section 65.0220, an Annual Report for the period of July 1, 2021 through June 30, 2022 (Fiscal Year 2022) for the District describes, among other things, the assessment rates and properties to be assessed for

Fiscal Year 2022, the expenditure of \$257,360 in assessment funds to pay for the improvements and activities to be undertaken in Fiscal Year 2022 for the benefit of property owners within the District, and administration of the District; and

WHEREAS, Bird Rock Community Development Corporation served as the Owners' Association for the District in accordance with Municipal Code section 65.0217 pursuant to an agreement that expires on June 30, 2021; and

WHEREAS, the Owners' Association is responsible for administering all contracts necessary to provide the improvements and activities within the District, as well as managing the day to day operations of the District; and

WHEREAS, the City of San Diego (City) desires to enter into a new five-year agreement with Bird Rock Community Development Corporation as the Owners' Association for the administration of the District (Agreement), included as Attachment 1 to the Staff Report; and

WHEREAS, in accordance with the Agreement, the City desires to reimburse Bird Rock Community Development Corporation for certain expenditures in connection with improvements and activities identified in the Annual Report approved by Council in each Fiscal Year; and

WHEREAS, pursuant to Municipal Code section 65.0218 (a), an agreement between the City and an Owners' Association for administration of a district may be awarded without a competitive process; and

WHEREAS, the Agreement contains all terms required under Municipal Code sections 65.0218 (b) - (n) and Council Policy 100-21 entitled "Maintenance Assessment Districts"; NOW, THEREFORE,

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

1. The Council approves the Agreement.

2. The Mayor, or designee, is authorized and directed to execute the Agreement on the City's behalf and to take any and all actions necessary to implement the Agreement. A fully-executed copy of the Agreement shall be placed on file in the Office of the City Clerk as Document No. RR- 313608.

3. The Chief Financial Officer is authorized to appropriate and expend from Bird Rock Maintenance Assessment District Fund 200103, as required per the terms of the Agreement and consistent with the Engineer's Report and all applicable Annual Reports, and contingent upon approval of the Annual Report of each applicable fiscal year, and contingent upon the Chief Financial Officer certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Daphne Z. Skogen
Daphne Z. Skogen
Deputy City Attorney

DZS:soc
04/16/21
Or. Dept: Park & Rec.
Doc. No. 2636712

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 6/22/2021.

ELIZABETH S. MALAND
City Clerk

By /s/ Matthew R. Hilario
Deputy City Clerk

Approved: 6/24/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 22 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 24 2021.

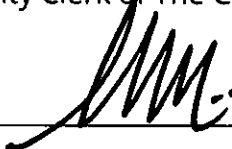
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
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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