

GGHMAD OVERSIGHT COMMITTEE
Monday, June 1, 2008 - 6:30 pm
Ethos Church, 835 E Street (25th & E)

Agenda

- I. Opening: call to order, roll call, quorum count, approval of May minutes**

Community members, please register attendance (optional)

- II. Public Comment – by speaker slips – time limited**

- III. Agenda Action Items**

- a. Approval of letter as written by David Skillman to the City Attorney's Office. –David Skillman. Attachment A.

- IV. Agenda Discussion Items**

- a. Review of Annual Meeting format.

Flyer/Suggested Outline: Attachment B

- b. Review of Urban Corps billing statements/practices

- c. Review of MAD funds to be used for trails in Balboa Park
Sequence of emails provided by John Kroll – Attachment C

- d. Budget Report/Financial SubCommittee Report – review of the CDC's recommended budget that has already been forwarded to the City from the CDC for approval. Followed by question/answer session with the CDC –Bob Hansen

Submitted Questions ahead of meeting: Attachment D.

Subcommittee Financial Report and Report of Urban Corp Billing Methods: Attachment E

- e. Program Manager Proposed/Under Consideration Projects Report – Alex Ibarra

V. Agenda Information items

- a. Program Manager Completed/Ongoing Items Report – Alex Ibarra
- b. CDC Report – Laura Stansell

VI. For Next Meeting – Items for next agenda – Reminders

VII. Deferred Items

VIII. Adjournment

current subcommittee chairs:

CDC Board – Laura,

Bylaws (& program mgr) – Barbara

Finance – Bob,

Engineer's Report – Lisa

Communication – David,

RFP's and Contracts – Norm

Attachment A
Letter to the City Attorney's Office

To: Jan Goldsmith
San Diego City Attorney
1200 Third Ave., Suite 1620
San Diego, CA 92101

Date: June 1, 2009

Subject: Request for City Attorney to aid in speedy resolution of two lawsuits currently pending against the City of San Diego. Both are titled:

Petition for Peremptory Writ of Mandate and Complaint for Declaratory and Injunction Relief, Golden Hill Neighborhood Association, Inc. A California non-profit corporation and JOHN McNAB, an Individual, Petitioners/Plaintiffs v. City of San DIEGO, a public agency and DOES 1 through 100, inclusive.

They are: Case # 37-2008-00088429-CU-MC-CTL and
Case # 37-2007-00074201-CU-WM-CTL.

The Elected Property Owners Oversight Committee of the Greater Golden Hill Maintenance Assessment District asks the San Diego City Attorney's Office to move forward to a rapid judicial resolution of these two lawsuits concerning the formation and the operation of the GGH MAD.

The unanswered legal questions about the formation and the operation of the GGH MAD are interfering with the long range planning and with the day to day operation of the MAD. Decisions about which projects can be funded, the amount of money available for use, and the very existence of the district are in dispute in these lawsuits, and render almost all decisions for action subject to question and objection.

In short, the Elected Property Owners Oversight Committee, attempting to act on behalf of the Greater Golden Hill Property Owners, and, we believe, the GGH CDC, the non-profit corporation contracted with the City to administer the MAD funds, are constrained almost to the point of inaction.

Please, expedite the resolution of the lawsuits by moving to trial on the matters under challenge swiftly.

Thank you,

Greater Golden Hills MAD Property Owners Oversight Committee

Attachment B

ANNUAL

Section 1.01 COMMUNITY

Section 1.02 MEETING

Article II.

GREATER GOLDEN HILL

Maintenance Assessment District

Oversight Committee

Monday, July 6, 2009

6:30 PM

Location: 25th and E Street (835 25th St) Marquee

Details: www.ghcgs.org

DRAFT June 26, 2009
OUTLINE FOR THE MAD COMMUNITY MEETING Monday, July 6, 2009

Setup: Enough chairs, foam boards with a map, any pictures from the Urban Corps, a copy of the original Engineer's Report, and any other visuals and printed material as handouts.

The meeting will not follow the normal format, but will use the following outline:

1. INTRODUCTION

Chairman:

- Welcome.
- Outline what is OUTSIDE the topic of the meeting and deal with it (lawsuit, etc).
- Introduce each member of the committee with information (i.e., Business owner Zone 1, Single Family representative, Zone 2) etc
- Brief Description of Zone 1 and Zone 2, web site, MAD Basics.

2. INFORMATION (30 minutes)

- Money Spent (Summary by Fiscal Year)– Bob Hansen
- Existing Projects (tree Trimming, Urban Corps, Dog Waste Stations, Trash Cans, Overhead). Limited to contract activities)– John Kroll
- Projects Under Consideration (Alex and Pedro, Laura Stansell)
- Engineer's Report –Lisa Vella
- Communications (Process) – David Skillman

Other topics, opportunity for all to present something briefly, but stick to facts. Written presentations by each member will be included in the minutes.

3. PUBLIC INPUT (30 minutes)

This will be structured as follows: There will be a sign in sheet. A Form for Question and Answers will be provided. The answers will be obtained and posted to our web site. All members of the public who wish to speak will be asked to raise their hands and speak in order. The Chair will direct the question to the committee chair, who should attempt to comment briefly, with more information provided later. The questions and answers will be limited by a timer (2 minutes).

4. Conclusion

Chair: How the community can stay involved, how to provide input, what the community members can do.

Attachment C
Sequence of Emails re: MAD funds used within boundaries of Balboa Park

> > -----Original Message-----

> > From: goodlead@cox.net [mailto:goodlead@cox.net]

> > Sent: Tuesday, May 05, 2009 8:45 AM

> > To: Murray, Beth

> > Subject: Fwd: Use of MAD funds for Balboa Park

> >

> > Ms. Murray -- I should have copied you on the following e-mail, concerning plans to use Golden Hill MAD funds for Balboa Park improvements. "Pedro" is Pedro Anaya, CDC director, and "Alex" is Alex Ibarra, manager of the MAD.

> >

> > I assume that someone in your office should have been responsible for ensuring that the written description of the MAD boundaries in the Engineer's Report and the city contract matched the map boundaries.

> >

> > In addition, I am forwarding information that suggests the San Diego Foundation has already planned to provide funds for upgrading trails in this area, thus making use of MAD funds unnecessary.

> >

> > John Kroll

> > Member, Oversight Committee

> > Golden Hill Maintenance Assessment District

> >

> >

***** email from John Kroll to Pedro Anaya, May 2, 2009 *****

Pedro --

> > >

> > > Alex told the Oversight Committee tonight that plans are going ahead to use MAD funds to improve the walking path that goes through the golf course in Balboa Park. According to both the Engineer's Report and the contract with the city, the MAD's western boundary ends at Balboa Park. Therefore, if you use MAD funds for this purpose, you are going outside the boundary of the district.

> > >

> > > It is true that there is a contradiction between the written description of the MAD boundaries and maps of the MAD boundaries. It is crucial that you contact the City Attorney and ask which takes precedence here: written descriptions or maps. There is probably a body of legal opinion dealing with this question. It's not the matter of anyone's personal preference -- not mine, not the CDC's, and not the City Attorney's.

> > >

> > > Alex said that several city officials, such as Luis Ojeda and Casey Smith, are fine with the CDC undertaking this project. Of course they are. They aren't concerned with the source of the funds or whether it's legal. Therefore, their personal opinions don't count either.

> > >

> > > Please copy me on your letter to the City Attorney and also refer this matter to the CDC executive committee. In the meantime, planning for this project should stop until a legal opinion is obtained.

> > >

> > > John Kroll

> > > Member, Oversight Committee

> ---- "Murray wrote:

> > Hello Mr. Kroll, I followed up on your question about the use of MAD

> > funds to improve the walking paths in Balboa Park. Attached is a

> > map of the Golden Hill Maintenance Assessment District boundaries.
> > As you can see the boundary extends into Balboa Park. Also, the
> > upgrading of trails is a legitimate MAD expenditure. If you have
> > any other questions please feel free to contact Luis Ojeda at
> > 619-236-6475. Thanks, Beth

> >
> > Beth Murray, Deputy Director
> > Economic Development Division
> > City Planning & Community Investment Department
> > 619-236-6421
> > Bmurray@sandiego.gov

> >
> >
> Date: Mon, 11 May 2009 18:20:27 -0700
> From: <goodlead@cox.net>
> To: "Murray, Beth" <BMurray@sandiego.gov>
> Subject: RE: Use of MAD funds for Balboa Park
> Cc: "Ojeda, Luis" <LOjeda@sandiego.gov>,
"pedro@goldenhillcdc.org" <pedro@goldenhillcdc.org>

>
> Hello, Ms. Murray:

>
> I am replying to you rather than to Luis Ojeda because I have dealt with him before and he only parrots the city line, which is, in effect, "Don't worry; be happy." Legality is unimportant. As you know, the city got into a lot of trouble with that attitude.

>
> Your answer does not explain why the map takes precedence over the language in both the Engineer's Report and, more importantly, the contract, both of which specify the MAD ends at Balboa Park and does not include Balboa Park. You did not indicate that you had asked the City Attorney for a ruling. I can only infer that it's more convenient to assert that the district includes part of Balboa Park because it makes money available that doesn't come from the general fund.

>
> Inasmuch as Balboa Park is universally considered as belonging to the entire city, it is not clear why one neighborhood, Golden Hill, is suddenly responsible for improving a section of the park.

>
> In addition, please consider the following:

>
> The city cast a ballot for FY 07-08 for parcel 534 450 08, for \$2255. No specifics were given. This parcel # is for all of Balboa Park, except Roosevelt School and the Naval Hospital. BUT if you check the 07-08 Assessment Roll (AR), this item is NOT included. No funds may be spent on Balboa Park, because it hasn't been assessed, in any amount. An item in the 08-09 AR for parcel 534 450 08, again for \$2255, is identified as "3020 Zoo". This address is the building on Zoo property for the "City of San Diego Zoo Food Service Dept."

>
> The city was careless in the way it formed the MAD (examples on request). The carelessness is continuing in the way it is allowing the CDC to spend the money. An obvious example is the way the map and written boundary descriptions differ. (Who was responsible for checking that, by the way?) A second example is represented by the paragraph above.

>
> I had hoped that you would be more scrupulous in your oversight of the MAD funds than your predecessor was. Perhaps it's time that we have a face-to-face meeting. Shall we?

>
> John Kroll
> Member, Oversight Committee
> Greater Golden Hill Maintenance Assessment District

Attachment D Budget Questions

1. \$607,460 is total for 09/10. Where is the \$300K+ carryover from 08/09.
2. Under Enhanced Services and Maintenance what is "Infrastructure Improvements"? What is "Equipment".
3. Under Incidentals and Annual Costs, City Admin Fee 4%, that makes the estimated assessment \$489k, which is about right.
4. Under Canyon and Trail Beautification and under Decorations and Banners, details, please.
5. Under "Other Services", please explain. A MAD specific cost breakout for Newsletter, or Web Info?
6. What are "Special Events", and what is the MAD's portion of this?

Attachment E

The Financial Subcommittee Report

The Financial Subcommittee of the Oversight Committee asks that additional information be provided regarding the MAD budget for 2009-2010.

Specifically, the information of interest would be:

1. There is no detail on what work is proposed for a number of the items such as equipment, infrastructure improvements, canyon and trail beautification, special events, etc.

While it appears that the "budget" follows the format of the Engineer's Report it is lacking in detail as to what the money will really be used for.

If there is no detail for how the money in the budgeted categories will be spent we will offer again to work with CDC to create a spending plan.

2. The amount of the budget appears to be what is expected for the budget year collections of taxes. We would like to see a reconciliation of rollovers from 2007-2008 and 2008-2009 and where that money is and what it will be used for.

3. We want to see what is being presented to the City and the City is presenting to the City Council by expenditure classification.

I would also respectfully ask that you be prepared to present this additional information to the Oversight Committee at our meeting June 1.

Bob Hansen
Chair, Financial Subcommittee

Summary of Urban Corps Billing Review

On Thursday May 7, 2009 Barbara Houlton and Bob Hansen met informally with Alex to view how Urban Corps (UC) was billing for their services. The billings are based on hours worked and are billed at \$30/hr. A sheet of daily hours worked by each employee accompanies the monthly billing from UC. (Some of the earlier invoices did not have that detail and Alex will ask UC to provide to complete his file.)

Billing by type of service shown in the engineers report is not feasible as each employee engages on a daily basis in several of the types of work. Accounting/billing for the amount of time spent on each type of service is not feasible.

UC does not bill for materials, supplies or mileage. The \$30/hr billing rate includes those costs. Costs of service in Zone 1 and Zone 2 are separated in the monthly invoice. The hours in each zone are a product of the monthly schedule Alex has created assigning crews throughout the assessment district.

Urban Corps is asked to perform additional services verbally. These additional services requested to be performed should be in writing and the total contract amount should be adjusted accordingly.

Urban Corps provides a monthly statistical summary of types/quantities of various types of service performed which is in addition to the billing information.

The three concerns, then, are: 1) Urban Corps cannot track hours to categories in the Engineer's Report, 2) hours for zones one and two are estimated and 3) additions to the work to be performed are not in writing. At the present time we do not have recommendations on how to improve numbers 1 and 2.

Barbara noted that the current contract terminates June 30 and there is no provision, in the copy of the contract that she had, to extend the contract. Alex will get a determination from the City as to whether it can be extended.

In view of how the billing is being done there should be some changes in the contract so there will be conformance. Review of the entire document should also be done to determine other appropriate changes.

Alex will also prepare a letter to UC noting that he is the representative for CDC for the contract, not Alia as named in the contract.