

**GREATER GOLDEN HILL CLEAN, GREEN, AND SAFE
MAINTENANCE ASSESSMENT DISTRICT OVERSIGHT COMMITTEE**

MINUTES MONDAY, MARCH 2, 2009 – APPROVED

I. Introduction

a. Call to Order

The meeting was called to order by the Chair, Carole Caffey at 6:35 pm at ETHOS, 835 E Street, San Diego CA 92102.

b. Roll Call Quorum Count, Approval of February Minutes

Member absent: Michelle Dullea, Ben Nicholls, Chris Blatt

Present: Barbara Houlton, David Skillman, Robert Hansen, Laura Stansell, John Kroll, Bill Hilsdorf, Lisa Vella, Norm Starr, Curtis Neidert

No changes in membership. A quorum being present, the meeting continued. David Skillman moved that the February minutes be approved as amended, seconded by Bill Hilsdorf. The motion passed 7-0-1 by those members present at that time.

II Public Comments

Bill Hilsdorf raised the question “What is the procedure to give the money back to the taxpayers that has not been spent?” Carole Caffey, chair, will take action to resolve the question. David Skillman will provide quotes from applicable documents (Attachment A).

Hal Tyvol was asked if the lawsuit could be made public, and he responded that it was a matter of public record. David Skillman can make a copy available upon request.

Katherine McNeil provided a public comment at the end of the meeting, suggesting that alternate Committee Members be elected at the next election.

III Agenda Action Items

a. Sidewalk Repair

Barbara Houlton made the following motion for the committee to “write a letter to the city requesting clarification of responsibility and legality of sidewalk repair using mad funds as proposed by the GGHCCDC.” The motion was amended to add that the committee “is opposed to this use of MAD funds as proposed by the CDC.” The motion was seconded by Lisa Vella, and passed 9-1. The flyer produced by the city is provided as Attachment B.

b. Subcommittee Chair Changes

The committee Chair, Carole Caffey, made the following subcommittee chair changes:

Norm Starr will replace Ben Nicholls as RFP and Contract Chair

Barbara Houlton will integrate any requirements for a Program Manager chair with the Bylaws Committee, until such time as a further need for the Program Manager Subcommittee emerges.

All other committees and Chairs remain the same. The bylaws Committee will meet before the next regular meeting.

IV. Agenda Discussion Items

a. Public Comment

Lisa Vella addressed the issue of public comment, and the need to respect the opinion of the public attendees and to address their concerns as much as possible. As the bylaws committee is planning to meet, this section of the procedures will be reviewed for potential update.

b. Review of Urban Corp Contract

Barbara Houlton requested a complete review of the Urban Corp contract for the next meeting, as they are currently 8 months into their 12-month contract.

c. Annual Meeting

John Kroll presented his request for additional planning for an annual meeting. This meeting was again deferred, as we do not have complete financial information from the CDC. We will proceed when figures are available.

d. Communication and Customer Service

Michelle Dullea had requested this agenda item, but as she was absent, the item was deferred.

V. Agenda Information Items

a. CDC Report – Laura Stansell

Laura Stansell reported that Rosemary Downing, executive Director of the CDC is leaving in two weeks, to be replaced by Pedro Anaya, Jr. She will continue to volunteer, as she serves as chair of the CDC Gala. Mr. Anaya was unable to attend the meeting, but he sent a letter, which is attached.

b. Project Manager’s Report – Alex Ibarra

Alex Ibarra reported that the Urban Corps manager has been replaced by Daryl. There has been a series of management changes on the Urban Corp contract. Lisa Vella asked about reported graffiti on dog stations and vandalism of dog stations. A discussion followed regarding how Alex should reply to

telephone and email communications, with a request made for Alex to develop a response standard practice.

c. Finance Committee Report – Robert Hansen

Robert Hansen and Alex Ibarra provided input with sample financial reports. A request was made to be provided with financial data which has been provided to the City. Alex stated that it was the same as the monthly check registers that we had received. The financial subcommittee will meet, and efforts will continue to define financial reports which will work for the Oversight committee, the CDC, and the City.

VI. For next Meeting – Items for the next Agenda- Reminders

The bylaws committee will revisit attendance/membership requirements, Brown Act requirements, and any other potential modifications, and will generate a set of proposed changes before the next meeting.

The next meeting is scheduled at 6:30 pm at the Ethos Church, 25th and E St on April 6, 2009.

VII. Adjournment

The meeting was adjourned at 8:09.

ATTACHMENT A - APPLICABLE LAW REGARDING SURPLUS/CARRYOVER

Calif Law:

Streets and Highways Code

Landscape and Lighting Act of 1972

22656 - If there is a surplus or deficit in the improvement fund of an assessment district at the end of any fiscal year, the surplus (emphasis mine) or deficit **shall** be carried forward to the next annual assessment to be levied within such district and **applied as a credit** or debit, as the case may be, **against such assessment**.

San Diego Municipal Code, chapter 6: Public Works and Property, Public Improvement and Assessment Proceedings

65.0234: Authority to Refund Surplus

- (a) Notwithstanding the limitations of Streets and Highways Code section 22656, in the event of a surplus in an improvement fund in excess of current need, the Council may declare the amount surplus.
- (b) When the Council declares a surplus, the Manager (Mayor - ed) may offer to owners of record a proportional refund of their assessment that exceeds the amounts necessary to cover the needs of the fund for the next fiscal year or any longer time that the Council determines by resolution.
- (c) Surpluses of owners who do not request refunds will be carried forward to the next and subsequent annual assessments.

That's the law, folks. Usually, Calif law supersedes Municipal Codes, but San Diego is a Charter City, and things **can** be litigated in the area between Calif Code and Municipal Ordinance.

Note that the Municipal Code requires Council to "declare a surplus", and that "the Manager (Mayor) **may** offer to owners ... ".
unquote.

ATTACHMENT B – FLYER PROVIDED BY THE CITY REGARDING SIDEWALK REPLACEMENT

Street Trees

Sidewalks damaged by street trees (typically within 10' of the curb line) first require a determination of whether the tree will be removed or retained. This process is initiated following temporary repairs and can take up to 6 months, due to the service demand.

If the tree is to be removed, it can take up to 24 months from the determination date for the City to remove the tree and repair the sidewalk. If the tree can be saved by root pruning and installing a root barrier, it can take up to 36 months for the repair, again, due to the service demand. In either case, the City will always maintain the sidewalk using temporary materials and methods, until permanent repairs are installed.

If the property owner does not want to wait for the City to remove the tree and repair the sidewalk at public expense, they can obtain a no-fee permit to either remove or root prune the tree at personal expense. The property owner then needs to obtain a public improvement permit and repair the sidewalk, again at personal expense.

If the property owner chooses to retain the tree, the City will not make any permanent concrete repairs or replace the sidewalk. The City will only maintain the existing sidewalk using temporary materials and methods. The property owner has the opportunity to use a public improvement permit and replace the sidewalk at personal expense. The property owner assumes all responsibility for further maintenance.



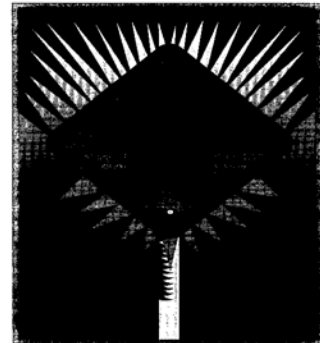
For Service Information Call:



**General Services Department
Street Division
(619) 527-7500
2781 Caminito Chollas
San Diego, CA 92105**

Sidewalk Maintenance and Repair

in the City of San Diego



This information is available in alternative formats upon request.

Printed on recycled paper.
TP-185 (Rev. 12/07)

The City of San Diego

has developed programs to assist property owners in keeping the sidewalks safe and in good working condition.

According to the California Street and Highway Code, Section 5610, the abutting property owner is responsible for maintaining the sidewalk in a condition that can be safely and conveniently used by the public. This involves:

- Keeping the sidewalk clean and clear.
- Repairing minor deficiencies (small cracks or chips).
- Repairing damage that is caused by old age and deterioration.
- Repairing any damage that is caused by the property owner through: trees on private property, landscaping, or damage by private vehicles.

The City of San Diego, in order to provide safe, usable sidewalks to the public, and to provide a higher level of service to property owners and the community, has established policies for repair and maintenance of sidewalks beyond those specified by State Laws. The City will make temporary repairs to all damaged sidewalks, regardless of responsibility, usually within one week of a report. The temporary repairs are made in the fastest and least expensive method possible. This usually involves the use of asphalt materials to ramp or reconstruct a segment of the sidewalk. This provides a fast, temporary, inexpensive repair.

The City also provides funding for a portion of many sidewalk repairs, and in some cases will permanently repair the damaged sidewalk at no cost to the adjacent property owner. The City will permanently reconstruct sidewalks that are damaged due to its own actions, which include street trees. This work is done by City forces or by contract, without cost to the adjacent property owner. The work is scheduled in a regular sequence around different areas of the City. It is limited to the City portion of the sidewalk and curb; any other repairs or improvements to driveways or the parkway must be completed by the property owner using appropriate City permits. Permanent repairs to the sidewalk are done approximately 24 months from the time a determination regarding responsibility has been made by City inspectors. Sidewalks damaged by City repair crews or City projects are usually repaired immediately as part of the same project.

50/50 Cost Sharing Program

When a damaged sidewalk is reported, the City will send an inspector out to determine the cause of the damage. If the damage to the sidewalk is caused by old age and deterioration, there is a City program available to assist the property owners. The 50/50 program will pay one half of the costs of the repair and the work will be performed by City forces. The inspector completes a cost estimate of the repair and sends it to the property owner. Upon receipt of a check from the property owner for half the cost (payable to the City Treasurer), the City will repair or replace the sidewalk within 90 days.



Permit Requirements

A permit is not required for the property owner to make minor repairs to the sidewalk. Minor repairs are those that involve patching or filling of cracks, and do not involve replacement of sections of the sidewalk. A City issued permit is required for major repairs or replacement. The City of San Diego recommends that property owners choose a State of California approved contractor to do the work. A list of approved contractors is available in *The Blue Book of Building and Construction*. This book is available at most public libraries or can be accessed by calling The Blue Book at 1-800-431-2584 or via the Internet at <http://www.thebluebook.com>.

The City of San Diego will issue fines for major repairs done without a permit. The property owner may be required to remove the completed work and start over.



Where can I get a permit?

Permits are available from the:

**Development Services
Department
1222 First Avenue
San Diego, CA 92101**

**For Permit Issuance
Information call: (619) 446-5000**



ATTACHMENT C – LETTER FROM THE NEW CDC EXECUTIVE DIRECTOR

Greater Golden Hill Community Development Corporation

1235 28th Street San Diego, California 92102
Ph: (619) 696-9992 Fax: (619) 696-6048 www.goldenhillcdc.org

March 2, 2009

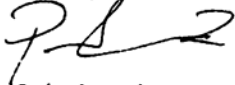
Dear Oversight Committee,

My family and I are very excited to be joining the Greater Golden Hill CDC family. I apologize for not being able to attend your meeting tonight but look forward to meeting all of you very soon and I do plan to be in attendance at your next meeting. In my absence let me briefly introduce myself.

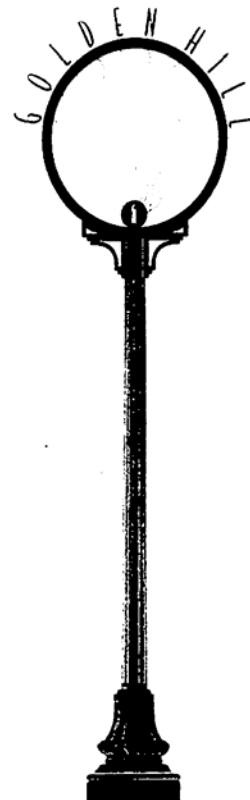
I was born and raised in San Diego and spent my early years as a resident of this community, attending Brooklyn Elementary school. I attended SDSU and double majored in psychology and Chicano studies. I later received a master's degree from USD in nonprofit management and leadership. As far as my career path I have been involved with the nonprofit sector for my entire career. During those years I have held several key leadership positions including most recently as the Associate Executive Director at the Jackie Robinson YMCA. I bring with me experience in public relations, strategic planning, fiscal management, and community organizing. My wife and I are parents to a wonderful baby girl who turned one this past October.

As I settle in to my new position I feel strongly that I need to take the time to meet with each of you. This will give me an opportunity to hear from each of you directly about your vision and goals for our organization. I will be contacting you individually to try and have a cup of coffee or lunch over the next few weeks. Please feel free to stop by and introduce yourself.

Sincerely,



Pedro Anaya Jr.
Executive Director
(619) 977-5331
pedro@goldenhillcdc.org



IMPLEMENTING OUR NEIGHBORHOOD'S VISION

**ATTACHMENT D - GGH CDC MAD OVERSIGHT COMMITTEE FINANCE
SUBCOMMITTEE REPORT**

Alex and Bob Hansen met Thursday Feb 19 to discuss the provision of financial information to the Oversight Committee. As part of this meeting Alex explained the process of the City reimbursing CDC for their expenditures.

Reimbursement: The City provides an initial fund from MAD collections as operating capital for the CDC/MAD. As checks written against those funds draw down the balance of that fund CDC requests reimbursement by submitting a register of the individual checks and the amount, the City reviews the list for appropriateness of use of the MAD funds and provides fresh capital to continue operations.

Discussion regarding reporting of information to the OC recognized that the list of checks written had some shortcomings: timeliness for one and lack of ability to compare that information with budget and for making projections and decisions.

A concept of Operating Analysis Reports was established and Alex will try to have sample reports available for the next OC meeting. A picture is worth The reports will include, but not limited to, budget amounts, year to date total expenditures, variances with budget, detailed current month expenditures for each of the budget categories as well as reports on each contract.

Once we see an example of the format it may need some tweaking. We will not import a lot of data into the reports until we are comfortable with formats.

This is a work in progress and will result in good information for not only the OC but for the CDC Project Manager and Board.