

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

**MINUTES MONDAY, June 16, 2008 –APPROVED**

**I. Call to Order**

The meeting was called to order by the Chairman, David Skillman at 6:34 pm at the Balboa Golf Course Club House

**II. Roll Call**

All members were present except for Michelle Dullea and Laura Stansell (excused).

**III. Old Business – Action Items**

**a. Approval of Minutes**

Bill Hilsdorf moved and Robert Hanson seconded the approval of the June 2, 2008 minutes. The motion passed 7-0, 4 abstentions. This item was taken out of order.

**V. New Business**

Public Input was taken at this time. This meeting was conducted with a forum format because of the attendance by Scott Kessler and Luis Ojeda concerning the relationship between the MAD Oversight Committee, the GGHCDC, and the City of San Diego. The forum consisted of the following:

1. Public comments
2. Statements from the Oversight Committee
3. Questions to Scott Kessler from the Oversight Committee and the community
4. Response from the GGHCDC

Because of time constraints, the GGHCDC position was not presented at this meeting. They have been given the opportunity to include their position statements with the minutes. The public input consisted of statements from members of the public. With no speaker slips presented, quotes from these comments are not included.

The committee members addressed the relationship between the CDC and the Committee in their statements . Questions were presented in writing for Scott Kessler which he answered from the floor. These questions were also submitted in writing and his written answer is attached as Appendix A.

The meeting was required to adjourn at 8:00, and accordingly Ben Nicholls moved to adjourn and Lisa Vella Seconded the motion. The motion passed unanimously.

The following items were not discussed and presumably will carry over to the next meeting.

Continued items:

a. Subcommittee Reports

Bylaws

AER

Program manager

RFPs

Public Communication

CDC Board

City Contacts (anyone with communication with the city)

Attachment A – Written answers to Questions from the City of San Diego

TO: Scott Kessler  
FROM: Barbara Houlton, Secretary, GGHMAD Oversight Committee,  
houltongh@cox.net  
DATE: June 17, 2007  
SUBJECT: Answers to Questions

At the meeting of the Greater Golden Hill Maintenance Assessment District Oversight Committee on June 17, 2008, you provided a response to questions as they were asked. Most of the questions below were discussed, but because of time constraints, a few were submitted by the audience after the meeting. Please provide answers to the questions below for inclusion in the minutes.

1. How is the GGH MAD set up differently from the other MADs and why was that done?

The GGH MAD is not set up any differently than the other self managed MADs in the City.

2. Mr. Kessler stated that the contract and the municipal code contain language addressing the role of the “advisory or oversight” committee. Please provide, page, section, and cite in the contract and the municipal code.

The back-up information was provided to the Chair of the Committee prior to the meeting.

Municipal Code Article 5, section §65.0212 (c)(7) states “*The agreement shall provide that the Non-profit Corporation agrees to conduct at least one (1) noticed meeting with property owners within the District or the Zone and to attempt to meet on a regular basis with the relevant community planning group or designated representatives of the District or the Zone, and property owners within the District or the Zone, to finalize plans and specifications for the Improvements and Maintenance of the District or the Zone, to evaluate the performance of any Maintenance contractor for the District or the Zone, and to advise the Non-profit Corporation regarding the Improvements and regular Maintenance for the District or the Zone.*”

Page four, Article B5 of the Agreement (filed with the City Clerk’s Office as Document # RR-303551) states “*The GGHCDC shall provide at least one noticed meeting with the property owners within the District annually and attempt to meet on a regular basis with the relevant planning group or property owners within the District. The regular meeting shall be used to finalize plans and specifications for improvements and maintenance as described in the Engineer’s Report, evaluate the performance of any maintenance contractor, and advise the GGHCDC*

*regarding the improvements and regular maintenance as described in the Engineer's Report for the District.....”.*

3. How do we vote this thing out?  
The question is not clearly articulated. Vote what out? The Committee? Greater Golden Hill CDC? The District? Need further clarification to properly answer.
4. Concerning the committee, are there other persons, agencies or resources within the city that we can contact to (1) have our management issues addressed and (2) request a compliance audit of the contract between the CDC and the city?  
The recommended primary contact should be our department, City Planning and Community Investment Department, since the department administers the contract with the Greater Golden Hill CDC and is familiar with the ongoing MAD issues in the community. However, the committee is more than welcomed to seek out and contact other persons, agencies, or resources as it has done so already i.e.: City Attorney's Office, Council District 3 and 8, etc...
5. (Details for this question provided here). The Mad was voted in with a typical homeowner assessed at \$76.48 and condo owners assessed \$36.03. Using the typical homeowners assessment, and rounding the numbers to \$80.00: The typical homeowner pays 25% of the assessment for in-office services (CDC and City expenses). This leaves \$60.00 to do projects. The Ballot material, supported by the Engineers Report, identifies 12 projects. 60/12 is an average cost of \$5.00 per project. How did the city determine that they could provide special benefit to these homeowners for \$5.00 per project?  
This question seems hypothetical in nature and leaves out other variable factors that probably should be included such as the number of “typical homeowners”, average number of “typical homeowners” for zone 1 and 2”, projects budget variations by zone etc, impact of other assessed properties such as condo owners, multifamily properties, vacant properties, etc... which makes the question not easy to 1) understand and 2) provide an appropriate answer.
6. If the oversight committee fails or will not implement services, is it legal for the CDC to meet the conditions of the contract directly?  
The CDC has a legal obligation to meet the provisions of the contractual agreement with the City irrespective if the committee fails to advise or recommend the implementation of services.
7. Many of the MAD services listed in the Engineer's Report seem to conflict with the California Constitution article XIII –D. For example, banners, canyon trail maintenance, large item pickup, don't seem to confer “special benefit, over and above general benefit to all properties.” Please explain how you resolve this conflict. The basis of the opinion within the question is incorrect. The services listed in the Engineer's Report and approved by City Council do confer special benefits as defined in California Constitution Article XIII –D. The California

Constitution Article XIII –D requires that all assessments be supported by a detailed engineer's report prepared by a registered professional engineer certified by the State of California. The City's consultant engineer, is a professional engineer certified by the State of California, prepared the detailed engineer's report for Greater Golden Hill MAD and has certified that the cost of district's public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided within the Greater Golden Hill MAD Engineer's Report receive special benefits.

## **Attachment B**

### **Statement from Kathy Vandenhuevel, GGHCDC President and Alia Kanani**

#### **The Greater Golden Hill CDC's (CDC) Position on Relationship between the CDC and the Clean, Green, and Safe Maintenance Assessment District Oversight Committee (MAD Committee)**

The issues which have been previously reported in the Reader and which were evident at Monday night's MAD Committee meeting, the CDC believes, originate primarily from confusion stemming from each entity's roles and responsibilities in the oversight of the MAD and a lack of clarity in the lines of communication between the CDC and the MAD Committee.

The majority of the individuals in both groups are well-intentioned volunteers that are donating their valuable free time to help their community. In order to establish clear practices and procedures for future communications, I would love to see both groups go through a mediation workshop lead by a non-biased organization such as Non-Profit Solutions that are equipped in mediation to help bridge the gap and bring both groups together to work towards our collective goal: the improvement of the Greater Golden Hill community. We also need full clarification of the roles of both groups from the City.

An example of the communication issue is evident in the CDC's hiring of the Program Manager (PM) of the MAD. The MAD Committee formed a PM sub-committee that developed a job description for the PM position. The full MAD Committee voted and passed a resolution to release the PM job description. The CDC then posted the job announcement for the PM position. The CDC sent the proposed PM resumes that the CDC received to the Chair of the PM sub-committee and communicated with the Chair of the PM sub-committee when the CDC conducted the PM interviews. The Chair of the PM sub-committee was also involved with conducting some of the interviews. Before the CDC made the final decision to hire the PM, the CDC asked the Chair of the PM sub-committee if the PM sub-Committee would need to provide any additional input before we moved forward with making an offer. So from the CDC's prospective, the CDC included the MAD committee in the hiring process through the involvement of the PM sub-committee established by the MAD Committee. It is the understanding of the CDC that the majority of MAD Committee does not feel they were adequately involved in the hiring process for the PM. Because the MAD Committee is relatively new, no procedures were in place to define how the communication should take place between the PM sub-committee, MAD committee, and the CDC. Complicating the issue is the fact that the Chair of the PM sub-committee is also a Board Member of the CDC; which the CDC understands, in retrospect, may have provided the appearance that the CDC was not sufficiently involving the MAD in the PM hiring process. Although the PM Sub Committee chair is a CDC Board member, he was elected by the property owners of Greater Golden Hill to be a member of the MAD Committee and was appointed by the MAD Committee as the Chair of the PM sub-committee.

This has been a learning process for both groups of volunteers. It is the hope of the CDC that both groups can learn from this misunderstanding and create procedures and establish lines of communication to ensure that the both groups have the opportunity to be engaged and informed regarding MAD decisions.

#### The CDC's opinion of the MAD Committee's Role

The CDC believes that the MAD Committee is a partner with the CDC to ensure that the services being provided by the MAD are in accordance with the Engineer's Report and that the contractors providing the services are fulfilling the requirements of their contracts. For example, the CDC should provide the MAD Committee with progress reports on the specific services provided and the costs associated with those services so the MAD Committee can monitor the progress of the MAD and ensure that those services are within budget and in accordance with the Engineer's Report.

Another good example of the MAD Committee's role is that they have provided a priority list of the services outlined in the Engineers Report to the CDC that the MAD PM is using in the implementation of those services.

#### Background into the Development of the MAD Committee Member Description Sent to Property Owners Regarding Establishing the MAD Committee

Prior to my role as President of the Board of Directors for the Greater Golden Hill CDC, I was the chair of the CDC committee that put together the description of the MAD Committee positions, and designed the nomination and election process for the MAD Committee. I opened the CDC committee up to any community members that were interested in helping, regardless of their original position regarding the MAD. The description of the MAD Committee positions that Barbara McGill presented at the MAD meeting was the outcome of our CDC committee meetings. Unfortunately, the committee did not run the description by the City or the CDC Executive Committee prior to releasing it. Some of the language used in the description was not correct and has led to much of the current confusion and frustration of the MAD Committee members and the CDC.

#### Summary

The CDC is contractually obligated to implement the MAD. There is a lot of frustration right now with how slow the progress has been. With the hiring on the PM, the CDC is now in a position where we can move quickly on implementing the MAD but we are waiting for direction from the MAD Committee. For example, the MAD Committee has been sitting on a cleaning Request for Proposal (RFP) for months. This RFP represents much of the services that are to be provided by the MAD and needs to be issued as soon as possible. This puts the CDC in a position where if we move forward with completing the RFP ourselves we will appear to be disregarding the wishes of the MAD Committee; but if we continue to wait, maintaining the status quo, we will be doing a disservice to the

property owners who are paying into the MAD and who are expecting results and potentially be out of compliance with our contract with the City.

The CDC wants the MAD Committee to provide direction and input into the decisions of the MAD; however, the MAD Committee is not the ultimate decision maker. I fully agree with MAD Committee member Lisa Vella who pointed out the vast and diverse skill set of the MAD Committee members and feel they are a valuable resource that will help our community best implement the MAD. The CDC looks forward to working with the MAD Committee as a partner. I hope my suggestion regarding mediation or other method by which both groups can establish clear lines of communications and procedures, will be looked upon favorably by the MAD Committee and help us move forward together.

June 16, 2008

Memo: M.A.D Roles of the GGHCDC, Oversight Committee and City of San Diego

Dear Members of the Oversight Committee,

There has been some recent discussion and requests for clarification regarding the roles of the Greater Golden Hill Community Development Corporation "GGHCDC", Oversight Committee "Committee" and the City of San Diego "City" pertaining to the management of the Greater Golden Hill Clean, Green, and Safe Maintenance Assessment District "District". On May 21, 2008, Rosemary Downing and I met with City staff to discuss the management of the District. The goal of this letter is to provide clarification of the roles each party is responsible and to promote a working relationship that will encourage a successful program and overall benefit to the Greater Golden Hill Community.

*Role of the Oversight Committee:*

The Committee is an independent committee comprised of up to 15 elected property owners from the Greater Golden Hill community. One member of the Committee is appointed by the GGHCDC Board. Per the Engineer's Report, which was prepared by an independent Assessment Engineering firm and approved by City Council, the Committee was set up to oversee the operation of the District and to be a partner of the GGHCDC.

Both the San Diego Municipal Code and the City's Agreement with the GGHCDC provide that the GGHCDC meet with the Committee to finalize plans and specifications for the improvement and maintenance of the district. During the meetings, the Committee shall also evaluate the performance of any maintenance contractor for the District and advise the GGHCDC regarding the improvement and regular maintenance of the District.

In essence, the Committee serves as the "eyes and ears" of the community tracking maintenance issues, identifying areas that need enhanced services, and making recommendations to the GGHCDC and the M.A.D Program Manager in an advisory capacity.

*Role of the GGHCDC/M.A.D Program Manager:*

The GGHCDC has a contract with the City for the purpose of administering contracts for goods and services on behalf the District. The M.A.D Program Manager under the



direction of the GGHCDC is responsible for the program management of the District. Staff of the GGHCDC including the M.A.D Program Manager, are to be directed only by the Board and Executive Director. Per the Engineer's Report, the GGHCDC would administer the District's finances with monthly review and annual audits by the City. The responsibilities of the GGHCDC and the M.A.D Program Manager include but are not limited to; preparing Request for Proposals (RFP) for enhanced services (trash removal, sidewalk sweeping, graffiti removal, etc), distributing RFPs for bid, managing maintenance services and contracts, supervising contractors, tracking and spending of M.A.D funds per the budget in the Engineer's Report, submitting funding reimbursement requests to the City, coordinating and implementing community outreach, organizing community clean-ups, installation and maintenance of decorations and banners, and canyon and trail beautification. The GGHCDC and M.A.D Program Manager shall work in partnership with the Committee and the Oversight Subcommittees to implement the priorities identified by the Committee. The Committee, which meets once a month, shall be updated by the M.A.D Program Manager as to the progress of services and contracts at the monthly meeting. The M.A.D Program Manager shall also provide budget updates to the Committee. In order to ensure that communication is clear between the M.A.D Program Manager and the Committee, all communication shall be disseminated directly through the Committee Chairperson.

*Role of the City:*

The City is responsible for the overseeing the tax assessments collected by the County of San Diego, updating the annual Engineer's Report, ensuring compliance of the program including City audits, and provides program assistance to the GGHCDC and the M.A.D Program Manager. The City operates as the "checks and balances" ensuring that the tax assessments are spent on enhanced services for the Greater Golden Hill Community.

It is important to understand that if the GGHCDC does not properly manage the M.A.D, the program may be removed from the jurisdiction of the GGHCDC and may be managed by the City. I look forward to building a relationship with the Committee that enables successful implementation of the M.A.D and the priorities as identified by the Committee. If you have any question or comments, please feel free to contact me at [alia@goldenhillcdc.org](mailto:alia@goldenhillcdc.org) or (619) 664-5138.

Sincerely,

Alia Kanani

GGHMAD Program Manager