City of San Diego
Office of the Independent Budget Analyst

MONTHLY SNAPSHOT OF REPORTS AND ACTIVITIES

Highlights of Major Reports Issued in the Month of July and August:

Report No. 09-68 "Consideration of Draft Airport Land Use Compatibility Plans for Brown Field, Montgomery Field, and Gillespie Field prior to Adoption by Airport Authority"

On Tuesday, July 28, 2009, the City Council commented on the San Diego Airport Authority's draft Airport Land Use Compatibility Plans (ALUCP) for Brown Field, Montgomery Field, and Gillespie Field. The Council's comments will be forwarded to the Airport Authority staff for their consideration and presentation to the Airport Authority Board in the Fall of 2009. ***It is important to note that some changes proposed in the draft ALUCP's could have a significant economic impact to the City of San Diego's communities.***

Specifically, the ALUCP provides for the orderly growth of airports and the surrounding area and safeguards the general welfare of the inhabitants within the vicinity of the airport. In order to facilitate the development of ALUCPs, and as provided by law, most counties have established Airport Land Use Commission (ALUC) that prepare the ALUCPs for airports in their county.

The ALUC has no jurisdiction over the operation of airports or over existing land uses. ***However, once ALUCPs have been adopted by the ALUC, local agencies with land located within the AIA boundary must, by law, amend their planning documents to conform to the applicable ALUCP.*** Local agencies can make special findings in accordance with state law to override the ALUCPs with a two-thirds vote, ***but it is unclear what the legal or liability issues would be if the City Council were to choose to do this.*** The City Attorney is currently reviewing impacts to the City if in the future the City Council were compelled to override parts of the ALUCP.

It concerns the IBA that the City Council is being asked to comment on the ALUCPs without economic data that shows the long-term economic impacts to the City. It is also a concern that once the ALUCPs have been adopted by the Airport Authority, local agencies with land located within the AIA boundary must, by law, amend their planning documents to conform to the applicable ALUCP. With this in mind, the IBA strongly encourages the City Council to discuss the possible economic impacts to the City during their comments on the ALUCP. In addition, the IBA recommends that the Council support and forward the concerns and recommendations expressed by staff in their July 14, 2009 report to the Airport Authority prior to their consideration of the draft ALUCPs in the Fall.

Reports Highlighted for the Month of July and August 2009:

"Consideration of Draft Airport Land Use Compatibility Plans for Brown Field, Montgomery Field, and Gillespie Field prior to Adoption by Airport Authority"

Report No. 09-68 (7/23/09) (PDF: 101K)

Proposed Response to Grand Jury Report "Time for Repeal of the People's Ordinance," Revised with Rules Committee Direction

Report No. 09-66 (7/20/09) (PDF: 79K)
Attachment 1 (7/20/09) (PDF: 99K)

Map and Permit Extension Ordinance and Ordinance Revising the San Diego Municipal Code by Amending and Adding Provisions Relating to FBA and DIF Fees

Report No. 09-65 (7/16/09) (PDF: 86K)

FY 2010 Council Fiscal Reforms Matrix

Report No. 09-63 (7/15/09) (PDF: 67K)
Attachment 1 (7/15/09) (PDF: 250K)
Attachment 2 (6/11/09) (PDF: 277K)

Revised Response to Grand Jury Report "Time for Repeal of the People's Ordinance"

Report No. 09-62 (7/9/09) (PDF: 79K)
Attachment 1 (7/10/09) (PDF: 96K)
Attachment 2 (7/10/09) (PDF: 93K)

Proposed Revisions to the SEDC and CCDC Operating Agreements and Corporation Bylaws

Report No. 09-70 (8/17/09) (PDF: 105K)
Attachment A (8/17/09) (PDF: 135K)
Attachment B (6/19/09) (PDF: 803K)

Report No. 09-66 "Proposed Response to Grand Jury Report 'Time for Repeal of the People's Ordinance,' Revised with Rules Committee Direction"

Report No. 09-62 "Revised Response to Grand Jury Report "Time for Repeal of the People's Ordinance"

On April 7, 2009 the San Diego County Grand Jury issued a report to the City Council entitled "Time for Repeal of the People's Ordinance." The City Council is required to provide comments to the Presiding Judge of the San Diego Superior Court on each of the findings and recommendations made in the Grand Jury Report.

As in the past, the IBA developed proposed responses on behalf of the City Council for each of the finding and recommendations presented in the Grand Jury Report. The proposed responses were presented to the Natural Resources and Culture Committee on May 27, and were forwarded to the full Council without recommendation. On June 23 the item was heard by the full council, and returned to the IBA with direction to revise the proposed responses in an effort to reach consensus. Each Council district was requested to provide a memo to the IBA with input on the proposed response to each finding and recommendations.

The IBA received three memos encompassing the input of five Council districts, one from Council member Lightner, one from Council members Faulconer and DeMaio, and one from Council members Gloria and Emerald. The three memos provided widely differing perspectives on the Grand Jury findings and recommendations. The IBA reviewed and carefully considered these memos, and based on the input revised a number of the proposed responses to the Grand Jury report.

The revised responses were presented to the Rules Committee on July 15. At that meeting, the Rules Committee directed the IBA and the City Attorney to work together to develop revised language for the responses to Finding 01, Finding 02, and Recommendation 09-02. The revised responses, reflecting the Rules Committee direction, are included as attachments to this report. Both a strikeout/underline version (Attachment 1) and a clean version (Attachment 2) have been included.

Report No. 09-65 "Map and Permit Extension Ordinance and Ordinance Revising the San Diego Municipal Code by Amending and Adding Provisions Relating to FBA and DIF Fees"

On Tuesday, July 21, 2009, the City Council was asked to consider an ordinance that would grant a two-year Tentative Map extension for projects approved prior to July 15, 2008 and would expire after July15, 2008 (Item #55). In addition, the City Council was also asked to adopt an ordinance that would allow the deferral of Facilities Benefit Assessments (FBA) and Developer Impact Fees (DIF) (Item #54).

The two proposed ordinances before the City Council are a result of a presentation given by the San Diego Chamber of Commerce to the LU&H Committee on their Housing Action Plan. Included in their recommendations were the extension of tentative maps and deferment of Developer Impact Fees. This report discusses the possible fiscal and policy impacts of implementing these ordinances if the City Council elects to approve them. In addition, the IBA has done a survey of other California cities to provide comparative information on how other jurisdictions are addressing the deferral of FBA and DIF (see attachment).

The IBA supports staff's recommendation to extend tentative maps and the deferment of FBA and DIF. In the current economic climate, these changes could have a positive incentive for the construction industry that hopefully will result in additional jobs for the region. The IBA does recommend that the impacts of the deferral of FBA and DIF be reviewed annually to access the economic benefits of the deferral of fees.

Report No. 09-63 "FY 2010 Council Fiscal Reforms Matrix"

At the Budget and Finance Committee meeting of June 17, 2009, a presentation of the "FY 2009 IBA Policy Matrix Update" (IBA Report No. 09-52) was made.

During the discussion of the item, it was suggested that ongoing items from the FY 2009 IBA Policy Matrix that need additional work should be added to the FY 2010 Council Fiscal Reforms Matrix, as a way to ensure that needed attention was given to address those issues in the upcoming year. Also, it was requested that a separate matrix be created for pension and retirement issues.

Chair Young requested that these materials be distributed to all members of the City Council, as the information may be of use to those who are not members of the Budget and Finance Committee.

The FY 2010 Council Fiscal Reforms Matrix has been revised to include the remaining nine items (which have been listed at the end) and is attached for your information. The IBA intends to track all items on the matrix and report on a regular basis to the Budget and Finance Committee. A separate matrix for pension and retirement issues

IBA Report No. 09-70 "Proposed Revisions to the SEDC and CCDC Operating Agreements and Corporation Bylaws"

Following the release in September 2008 of the performance audit of the Southeastern Economic Development Corporation (SEDC) by Macias Consulting Group, numerous City officials and stakeholders have participated in a deliberative and public process to develop a set of recommendations to effectuate greater oversight and accountability of the non-profit corporation redevelopment entities - Southeastern Economic Development Corporation (SEDC) and Centre City Development Corporation (CCDC). A performance audit of CCDC released in July 2009, conducted by Sjoberg and Evashenk, further confirmed the need to strengthen oversight of the Corporations.

Over the past several months, a significant focus has been on developing recommendations, for updating and strengthening the obsolete Operating Agreements between the Redevelopment Agency and the Corporations, which have not been updated since 1981 in the case of SEDC and 1986 in the case of CCDC. Both performance audits tied a number of their significant findings to deficiencies in the existing Operating Agreements.

While a great deal of focus has been on strengthening the Operating Agreements as recommended in the audits, the Corporation Bylaws have been examined as well in this process.

Following significant discussion and input at their meeting of July 15, 2009, the Rules Committee voted 5-0 to forward the proposals to the City Council without recommendation, with direction to the IBA to compile all recommendations from the Mayor's Office, IBA, CCDC and SEDC Performance Audits, CCDC, SEDC, Rules and Audit Committees into one document.

The IBA recommends that the City Council approve the proposed conceptual changes to the Articles of Incorporation, Bylaws and Operating Agreements of the Centre City Development Corporation (CCDC) and Southeastern Economic Development Corporation (SEDC). It is further recommended the IBA work with the Redevelopment Agency staff and the City Attorney's Office to make the proposed changes, as well as any related "cleanup" changes to the Articles of Incorporation, Bylaws and Operating Agreements of CCDC and SEDC and to return to the City Council and the RDA for final approval.

Other Reports Issued:

Report No. 09-69 (7/24/09) (PDF: 141K)
Fiscal Year 2009 Fire-Rescue Department Appropriation Adjustment

Report No. 09-67 (7/23/09) (PDF: 127K)
Attachment (6/3/09) (PDF: 48K)
Response to Grand Jury Report "City of San Diego Ethics Commission"

Report No. 09-64 (7/15/09) (PDF: 73K)
Second Annual Report of Independent Consultant to the City of San Diego

Report No. 09-61 (7/2/09) (PDF: 31K)
Proposal for Main Library: Letter of Intent and Status Update

Report No. 09-60 (7/2/09) (PDF: 68K)
An Ordinance Providing for Defense and Indemnification of Subcommittee Members of Community Planning Groups

Report No. 09-59 (REV) (7/10/09) (PDF: 68K)
Attachment 1 (7/10/09) (PDF: 65K)
Attachment 2 (7/10/09) (PDF: 73K)
FY 2010 Statement of Budgetary Principles

Report No. 09-59 (7/1/09) (PDF: 68K)
Attachment 1 (6/30/09) (PDF: 16K)
Attachment 2 (6/30/09) (PDF: 26K)
FY 2010 Statement of Budgetary Principles