

March 21, 1988

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL
BELMONT PARK ROLLER COASTER

By memorandum dated March 16, 1988, (Enclosure 1), Mayor O'Connor referred the attached March 10, 1988, letter from Attorney Robert Otilie (Enclosure 2) to this office for our comments.

Attached for your information are memoranda from this office dated May 22, 1987, August 19, 1987, August 26, 1987, and March 4, 1988, (Enclosures 3, 4, 5 and 6) all on the subject of Proposition G and the Belmont Park Roller Coaster.

You will note that no definite conclusion was reached by this office with regard to the question of whether or not the roller coaster is specifically exempt under the initiative in view of the somewhat unclear provisions of Section 1, Subsections (a) and (b) of the initiative when read together. A copy of the initiative is attached for reference (Enclosure 7).

An argument could be made that Section 1, Subsection (b) specifically allows the commercial operation of the roller coaster regardless of the "vested rights" issue contained in Section 6 of the initiative.

The separate issue of "vested rights" for the roller coaster is before the City Council today. You will note that in the March 4, 1988, memorandum from this office to Maureen Stapleton (Enclosure 6) we indicated "there may be sufficient facts to justify the Council determination that the roller coaster is, in fact, vested under Proposition G."

Respectfully submitted,
JOHN W. WITT
City Attorney

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Enclosures 7

RC-88-17