

RESOLUTION NO. 201932 FEB 16 1971

WHEREAS, the Utilities Department has for some time conducted a recreational program on reservoirs utilized by the department for the impounding and storage of water; and

WHEREAS, the Recreation Department, being a General Fund activity, is charged with the responsibility of conducting recreational programs throughout the City; and

WHEREAS, it would benefit the Utilities Department, the Recreation Department and the citizens of the City to clearly define the respective responsibilities of both departments in connection with the reservoir recreational program; and

WHEREAS, the Utilities Department and the Recreation Department are not legal entities which can enter into a binding contract with each other; and

WHEREAS, the use of Utilities Department revenues and assets is subject to certain terms and conditions, some of which require a segregation of water and sewer revenues and assets from General Fund revenues and assets, which conditions form a part of various contracts between the City and its revenue bondholders; and

WHEREAS, it is desirable to centralize the responsibility for conducting recreational programs throughout the City in the Recreation Department; and

WHEREAS, the Utilities Department desires to cease conducting reservoir recreational programs which to date have not been able to produce sufficient revenue to defray the expenses incurred in connection with such programs; and

WHEREAS, a reduction in the expenditure of funds of the Utilities Department for reservoir recreational programs will benefit the holders of revenue bonds; NOW, THEREFORE, in consideration of the foregoing,

BE IT RESOLVED, by the Council of The City of San Diego as follows:

1. The Recreation Department of The City of San Diego shall have the nonexclusive use and occupancy of the land and water surface of the following reservoirs for recreational purposes only, and may sublet such use and occupancy solely for certain concessionaire activities:

- | | |
|----------------|---------------|
| a. Miramar | e. Sutherland |
| b. Murray | f. Upper Otay |
| c. San Vicente | g. Lower Otay |
| d. El Capitan | h. Barrett |

The use and occupancy of the land shall be limited to the water surface and that area surrounding the reservoirs as shown on Exhibits 1 through 6, and 8 which are on file in the office of the City Clerk as Document No. 734912. Such use and occupancy shall continue for a period of seven (7) years commencing January 1, 1971 and ending December 31, 1977.

2. The Recreation Department shall have the use and possession of certain personal property now used in connection with the reservoir recreational programs for a period of seven (7) years commencing January 1, 1971 and ending December 31, 1977. Any such personal property used in connection with the activities of certain concessionaires may be sublet but no other personal property may be sublet. A listing of personal property currently in use at each reservoir and subject to the provisions of this resolution is listed on Exhibit 9 which is on file in the office of the City Clerk as Document No. 734913.

3. Replacement of any personal property listed on Exhibit 9 and all maintenance required to keep such personal property in good repair shall be the responsibility of the Recreation Department, the cost of which replacement and maintenance shall be paid from the General Fund.

4. An amount in lieu of rent for the use and occupancy of the land, including the water surface, and for the use and possession of the personal property, shall be transferred from the General Fund to the Water Utility Operating Fund at the rate of \$16,886 per year payable annually commencing on July 1, 1971.

5. In the event of a loss or destruction of or substantial damage to all or a substantial part of the land, including the water surface or personal property subject to

this resolution, the amount payable under paragraph 4 above shall abate in proportion to the time during which such land, including water surface or personal property, is unusable by reason of such loss, destruction or substantial damage.

6. At the end of the period during which the provisions of this resolution are effective, title to all personal property, including any replacement of such property, shall be deemed vested in the General Fund and appropriate bookkeeping entries shall be made to reflect the transfer of these assets from the Water Utility Operating Fund to the General Fund.

7. Any liabilities, loss or damage incurred as a result of the implementation and provisions of this resolution shall be a charge against the General Fund and shall be paid from the General Fund and not from Utilities Department funds.

8. All necessary public liability insurance premiums shall be a charge on and paid from the General Fund and not Utilities Department funds.

9. All revenues derived from the conduct of the recreation program at the reservoirs listed in paragraph 1 above shall be paid into a Special Account of the General Fund established for this purpose by the City Auditor and Comptroller, and not to the Utilities Department funds.

10. The Recreation Department may obtain the services of certain Utilities Department personnel as mutually agreed by the directors of the two departments to implement the

recreational program at City reservoirs, but the General Fund must reimburse the Water Utility Operating Fund monthly in an amount equal to the cost to the Utilities Department for such personnel, including an amount for administrative overhead at the standard City rate.

11. Resolution No. 192496, adopted December 28, 1967, is hereby rescinded.

APPROVED: JOHN W. WITT, City Attorney

By Harold Valderhaug
Harold Valderhaug, Deputy

HV:K
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1971 FEB 10 PM 12:06
SAN DIEGO, CALIF.

Passed and adopted by the Council of The City of San Diego on FEB 16 1971,
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Helen Cobb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam T. Loftin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Schaefer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Frank Curran	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

FRANK CURRAN
Mayor of The City of San Diego, California.

JOHN LOCKWOOD
City Clerk of The City of San Diego, California.

(Seal)

By Elfa J. Hamel, Deputy

Office of the City Clerk, San Diego, California

Resolution Number 201932 Adopted FEB 16 1971