

(O-85-45)

ORDINANCE NUMBER O- 16287 (NEW SERIES)

ADOPTED ON OCT 1 1984

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 5, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 35.0102, SECTION 35.0103, AND SECTION 35.0116 RELATING TO THE TRANSIENT OCCUPANCY TAX.

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

Section 1. That Chapter III, Article 5, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 35.0102, 35.0103, and 35.0116 to read as follows:

SEC. 35.0102 DEFINITIONS

First paragraph, a., b., c., d., e., f. and g. - NO CHANGE.

h. New Convention Facility. "New Convention Facility" means a downtown convention center and related facilities located on the Navy Field Complex, separate and apart from the existing Convention and Performing Arts Center. The name for said New Convention Facility is the San Diego Convention Center.

i. Navy Field Complex. "Navy Field Complex" means that property bounded on the south by San Diego Bay, on the north by Harbor Drive, on the east by Fifth Avenue extended, and on the west by Kettner Boulevard extended.

SEC. 35.0103 TAX IMPOSED

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of

six percent (6%) of the rent charged by the operator. Said tax constitutes a debt owed by the transient to the City which is extinguished only by payment to the operator or to the City. The transient shall pay the tax to the operator of the hotel at the time such transient ceases to occupy space in the hotel. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the City Treasurer may require that such tax shall be paid directly to the City Treasurer.

SEC. 35.0116 UTILIZATION OF REVENUES

A. The tax imposed shall be utilized as follows:

(a) Two-thirds (2/3) of all revenues collected by the City under Section 35.0103 of this Article and remaining after payment of two-thirds (2/3) of the costs incurred in the administration of this Article shall be used solely for the purpose of promoting The City of San Diego. Revenues available under this subparagraph (a) shall be used to support any program including but not limited to programs of the San Diego Convention and Visitors Bureau, designed to promote the City, as the Council may direct in accordance with Section 35.0116(d) below.

(b) One-sixth (1/6) of all revenue collected by the City under Section 35.0103 of this Article and remaining after payment of one-sixth (1/6) of the costs in the

administration of this Article, shall be deposited to the Transient Occupancy Tax Unappropriated Reserve Fund (Fund No. 224), which is hereby created. Money shall be expended from this fund only by an ordinance appropriating part or all of the fund for such purpose or purposes as the Council may direct. Such purpose or purposes may include but not be limited to promotion of the City.

(c) One-sixth (1/6) of all revenue collected by the City under Section 35.0103 of this Article and remaining after payment of one-sixth of the costs in the administration of this Article, shall be deposited to the General Fund (Fund No. 100).

(d) Subject to the City Council's annual approval of the budget of the San Diego Convention and Visitors Bureau and five year work program as set forth below, the City's annual contribution to the San Diego Convention and Visitors Bureau for general promotion purposes shall be determined as follows:

(1) From the total of all revenues collected under Section 35.0103 of this Article subtract all costs incurred in the administration of this Article, and an amount equal to all revenues collected by the City under Section 35.0103 of this Article from hotels within the Navy Field Complex.

(2) Multiply the remaining amount computed in subparagraph (d) (1) immediately preceding by one-fifth (1/5). The resulting figure is the annual contribution;

provided however, that if the City Council in its sole discretion for any year, does not formally approve by resolution the San Diego Convention and Visitors Bureau's annual budget and five year work program, the City's annual contribution to the San Diego Convention and Visitors Bureau may be established by the City Council based upon the Council's determination of any appropriate funding level.

(3) To substantiate its proposed five year work program, the San Diego Convention and Visitors Bureau shall, each year, timely submit to the City Council a copy of its proposed work program, an annual proposed budget, quantified performance indicators which are descriptive of the level of effort and success of previous years' promotion efforts, and a full narrative description of past years' accomplishments.

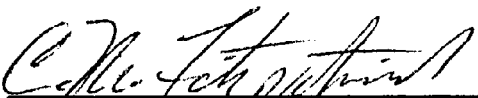
(e) Notwithstanding the provisions of subparagraphs (a), (b), (c) and (d) of this section regarding utilization of revenues, an amount equal to all revenues collected by the City under Section 35.0103 of this Article from hotels within the Navy Field Complex remaining after payment of a proportionate share of the costs in the administration of this Article, shall first be allocated for the purpose of planning, promoting, operating and maintaining the San Diego Convention Center, including a contingency reserve (for these same purposes), by a transfer to the existing Transient Occupancy Tax New Convention Facility Fund. Money remaining

under this section, after providing for the planning, promotion, operation and maintenance of the San Diego Convention Center, including a contingency reserve, may be expended for such legal purpose or purposes as the Council may direct.

(f) When the tax imposed pursuant to this Article was eight percent (8%), one-fourth (1/4) of all revenue collected during said period, less administrative costs, was deposited in the Transient Occupancy Tax New Convention Facility Fund. These monies may be expended for such legal purpose or purposes as the Council may direct.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By 
C. M. Fitzpatrick
Assistant City Attorney

CMF:js:160.1
09/13/84
Or.Dept:Rules
O-85-45
Form=o.code

Passed and adopted by the Council of The City of San Diego on OCT 1 1984,
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *June G. Blackwell*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

SEP 17 1984

OCT 1 1984

, and on _____

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *June G. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance
Number

0-16287

Adopted

OCT 1 1984

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
1984 OCT 18 AM 9:07
SAN DIEGO, CALIF.

City of San Diego
202 "C" Street, 12th Floor
San Diego, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NO. O-16287

I, Michael L. Ungashick, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. O-16287
(NEW SERIES)
AN ORDINANCE AMENDING CHAPTER III, ARTICLE 5, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 35.0102, SECTION 35.0103, AND SECTION 35.0116 RELATING TO THE TRANSIENT OCCUPANCY TAX.
BE IT ORDAINED, by the Council of The City of San Diego, as follows:
Section 1. That Chapter III, Article 5, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 35.0102, 35.0103, and 35.0116 to read as follows:
SEC. 35.0102 DEFINITIONS
First paragraph, a., b., c., d., e., f. and g. - NO CHANGE.
h. New Convention Facility. "New Convention Facility" means a downtown convention center and related facilities located on the Navy Field Complex, separate and apart from the existing Convention and Performing Arts Center. The name for said New Convention Facility is the San Diego Convention Center.
i. Navy Field Complex. "Navy Field Complex" means that property bounded on the south by San Diego Bay, on the north by Harbor Drive, on the east by Fifth Avenue extended, and on the west by Kettner Boulevard extended.
SEC. 35.0103 TAX IMPOSED
For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of six percent (6%) of the rent charged by the operator. Said tax constitutes a debt owed by the transient to the City which is extinguished only by payment to the operator or to the City. The transient shall pay the tax to the operator of the hotel at the time such transient ceases to occupy space in the hotel. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the City Treasurer may require that such tax shall be paid directly to the City Treasurer.

ORDINANCE NO. O-16287
(NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

October 16, 1984

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 16th day of Oct., 1984.

Michael L. Ungashick
(Signature)
01487 Page 1 of 2

21.8 " X 9.76 = 207.68

SEC. 35.0116 UTILIZATION OF REVENUES

A. The tax imposed shall be utilized as follows:

(a) Two-thirds (2/3) of all revenues collected by the City under Section 35.0103 of this Article and remaining after payment of two-thirds (2/3) of the costs incurred in the administration of this Article shall be used solely for the purpose of promoting The City of San Diego. Revenues available under this subparagraph (a) shall be used to support any program including but not limited to programs of the San Diego Convention and Visitors Bureau, designed to promote the City, as the Council may direct in accordance with Section 35.0116(d) below.

(b) One-sixth (1/6) of all revenue collected by the City under Section 35.0103 of this Article and remaining after payment of one-sixth (1/6) of the costs in the administration of this Article, shall be deposited to the Transient Occupancy Tax Unappropriated Reserve Fund (Fund No. 224), which is hereby created. Money shall be expended from this fund only by an ordinance appropriating part or all of the fund for such propose or purposes as the Council may direct. Such propose or purposes may include but ot be limited to promotion of the City.

(c) One-sixth (1/6) of all revenue collected by the City under Section 35.0103 of this Article and remaining after payment of one-sixth (1/6) of the costs in the administration of this Article, shall be deposited to the General Fund (Fund No. 100).

(d) Subject to the City Council's annual approval of the budget of the San Diego Convention and Visitors Bureau and five year work program as set forth below, the City's annual contribution to the San Diego Convention and Visitors Bureau for general promotion purposes shall be determined as follows:

(1) From the total of all revenues collected under Section 35.0103 of this Article subtract all costs incurred in the administration of this Article, and an amount equal to all revenues collected by the City under Section 35.0103 of this Article from hotels within the Navy Field Complex.

(2) Multiply the remaining amount computed in subparagraph (d) (1) immediately preceding by one-fifth (1/5). The resulting figure is the annual contribution; provided, however, that if the City Council in its sole discretion for any year, does not formally approve by resolution the San Diego Convention and Visitors Bureau's annual budget and five year work program, the City's annual contribution to the San Diego Convention and Visitors Bureau may be established by the City Council based upon the Council's determination of any appropriate funding level.

(3) To substantiate its proposed five year work program, the San Diego Convention and Visitors Bureau shall, each year, timely submit to the City Council a copy of its proposed work program, an annual proposed budget, quantified performance indicators which are descriptive of the level of effort and success of previous years' promotion efforts, and a full narrative description of past years' accomplishments.

(e) Notwithstanding the provisions of subparagraphs (a), (b), (c) and (d) of this section regarding utilization of revenues, an amount equal to all revenues collected by the City under Section 35.0103 of this Article from hotels within the Navy Field Complex remaining after payment of a proportionate share of the costs in the administration of this Article, shall first be allocated for the purpose of planning, promoting, operating and maintaining the San Diego Convention Center, including a contingency reserve (for these same purposes), by a transfer to the existing Transient Occupancy Tax New Convention Facility Fund. Money remaining under this section, after providing for the planning, promotion, operation and maintenance of the San Diego Convention Center, including a contingency reserve, may be expended for such legal purpose or purposes as the Council may direct.

(f) When the tax imposed pursuant to this Article was eight percent (8%), one-fourth (1/4) of all revenue collected during said period, less administrative costs, was deposited in the Transient Occupancy Tax New Convention Facility Fund. These monies may be expended for such legal purpose or purposes as the Council may direct.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on SEPTEMBER 17, 1984.

Passed and adopted by the Council of The City of San Diego on OCTOBER 1, 1984.

AUTHENTICATED BY:

ROGER HEDGECOCK,

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR,

City Clerk of The City of San Diego, California.

(SEAL)

By JUNE A. BLACKNELL, Deputy.

Publish Oct. 16, 1984

6277

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
SAN DIEGO, CALIF.
1984 NOV 19 AM 9:32

CITY OF SAN DIEGO
202 C Street, 12th Floor
San Diego, CA 92101

IN THE MATTER OF

NO.

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I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 16th day of Oct., 1984.

Michael L. Ungashick
(Signature)

01489 Page 1 of 2

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Mayor of The City of San Diego, California.
CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.

(SEAL)
By JUNE A. BLACKNELL, Deputy.
Publish Oct. 16, 1984

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