

RESOLUTION NUMBER R- 289349

ADOPTED ON OCT 28 1997

WHEREAS, on June 21, 1994, the City of San Diego ("City") and the San Diego Unified Port District ("District") entered into a Memorandum of Understanding respecting the expansion of the San Diego Convention Center ("Expansion Project"); and

WHEREAS, to accomplish the construction of the Expansion Project, the City entered into certain financing and other agreements with the District and the Convention Center Expansion Financing Authority ("Financing Authority") to finance the Expansion Project with lease revenue bonds; and

WHEREAS, the lease revenue financing mechanism, and the ability of the Financing Authority to utilize that mechanism, have been challenged in court by Richard Rider and others ("Rider v. City"), which has delayed the Expansion Project; and


WHEREAS, the City and the District still desire to proceed with the Expansion Project, and have agreed upon an alternative financing mechanism to accomplish this end; and

WHEREAS, in connection with the financing and other agreements, the City and the District have negotiated an agreement with respect to the dewatering operations at the existing Convention Center and the NPDES permit for those operations; and

WHEREAS, it is the express intention of the City Council that any documents attached as Exhibits hereto, incorporated herein by reference or on file in the Office of the City Clerk comprise, together with the text of this Resolution the full action of the Council and are necessary for a full understanding of the Council's actions; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the form and content of the Dewatering MOU between the City and the District, memorializing the agreement between the City and the District regarding operation of the dewatering system for the existing Convention Center and responsibility for the NPDES permit, a copy of which is before this Council and is on file in the office of the City Clerk as Document No. RL-289349, is hereby approved. The City Manager is hereby authorized and directed, for and in the name of and on behalf of the City, to execute and deliver the Dewatering MOU in substantially the form presented to and considered at this meeting, and the Clerk of the City is authorized to attest thereto, with such additions and changes therein as the City Manager shall approve as being in the best interests of the City, and as is approved as to form by the City Attorney, such approval to be conclusively evidenced by the City Manager's execution and delivery of said Dewatering MOU, which form of said Dewatering MOU is hereby in all respects approved and incorporated by reference and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Theresa C. McAteer
Deputy City Attorney

TCM:tcm
10/28/97
Or.Dept:Mgr.
Aud.Cert:
R-98-515