

RESOLUTION NUMBER R-300361

ADOPTED ON APRIL 19, 2005

WHEREAS, on December 6, 1982, by Resolution number R-257594, the City Council authorized a lease between the City of San Diego and Watt Industries/San Diego, Inc. for approximately 373 acres of City-owned land adjacent to the San Dieguito River in Fairbanks Ranch for the purpose of constructing, operating, and maintaining a country club and 27-hole golf course [the Lease]; and

WHEREAS, the Lease was assigned by Watt Industries to Fairbanks Ranch Country Club in January, 1986; and

WHEREAS, the term of the Lease expires on September 26, 2044; and

WHEREAS, Fairbanks Ranch Country Club built a golf course and clubhouse on the property and has operated the country club since the facilities were built; and

WHEREAS, Fairbanks Ranch Country Club currently operates a full service restaurant and bar adjacent to the men's locker room that is open to men only and in which only male employees are permitted to work [the Men's Lounge]; and

WHEREAS, section IV(B)(12) of the Lease [the Nondiscrimination Clause] provides that "Lessee agrees not to discriminate in any manner against any person or persons on account of race, marital status, sex, religious creed, color, ancestry or national origin in Lessee's use of the premises, including, but not limited to, the providing of goods, services, facilities, privileges, advantages and accommodations and the obtaining and holding of employment"; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council hereby determines and declares that the Fairbanks Ranch Country Club is in violation of the Non-discrimination Clause of the Lease by its sex discrimination as described in the City Attorney's Memoranda of Law No. 2005-7, dated April 5, 2005, and is thus found to be in default of its Lease with the City of San Diego.

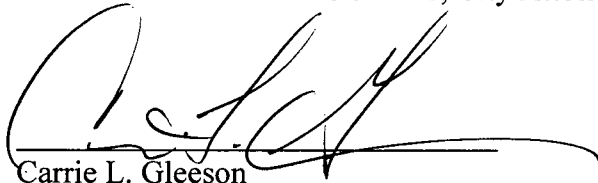
BE IT FURTHER RESOLVED, that the Council hereby determines and declares that the Fairbanks Ranch Country Club, by way of the aforementioned sex discrimination it practices on its leased premises, is in violation of Council Policy 700-12, which provides that services and facilities shall be provided by lessees without discrimination as to sex on the City-owned land leased to them.

BE IT FURTHER RESOLVED, that the Council hereby directs the Director of the Real Estate Assets Department to deliver to Fairbanks Ranch Country Club, no later than the close of business this Friday, April 22, 2005, a written notice of default in accordance with the provisions of Section IV.C.(9)(a) of the Lease.

BE IT FURTHER RESOLVED, that the Council hereby authorizes the Real Estate Assets Department to initiate and prosecute to final judgment any litigation necessary to enforce the Nondiscrimination Clause and/or any other clause of the Lease for which the Real Estate Assets Department and/or the Office of the City Attorney duly find the Fairbanks Ranch Country Club to be in violation.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Carrie L. Gleeson
Chief Deputy City Attorney

CLG:pev
04/25/05
Or.Dept:Clerk
R-2005-1107