

RESOLUTION NUMBER R- 302769

DATE OF FINAL PASSAGE JUN 29 2007

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING AMENDING THE 2006 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM.

WHEREAS, on November 3, 1987, the voters of San Diego County approved the San Diego Transportation Improvement Program Ordinance and Expenditure Plan (87-01); and

WHEREAS, on November 4, 2004, the voters of San Diego county approved the San Diego Transportation Improvement Program Ordinance and Expenditure Plan (04-01) extension; and

WHEREAS, both Ordinances provide that SANDAG, acting as the Regional Transportation Commission, shall approve a multi-year program of projects submitted by local jurisdictions identifying those transportation projects eligible to use transportation sales tax (TransNet) funds; and

WHEREAS, the City of San Diego was provided with an estimate of annual TransNet local street and road revenues for fiscal years 2007 and 2008; and

WHEREAS, the City of San Diego has held a public hearing in accordance with Section 5(A) of both Ordinances; NOW, THEREFORE,

BE IT RESOLVED, that pursuant to Section 8 of both TransNet Ordinances, the City of San Diego certifies that the required minimum annual level of local discretionary funds to be expended for street and road purposes will be met throughout the 5-year period consistent with

Maintenance of Effort Requirements adopted by SANDAG Commission on June 24, 1988 and on May 28, 2004.

BE IT FURTHER RESOLVED, that pursuant to Section 9 of the TransNet Ordinance, the City of San Diego certifies that TransNet funds programmed in the attached Program of Projects do not replace private developer funding which has been or will be committed for any project.

BE IT FURTHER RESOLVED, that pursuant to Section 16 of the TransNet Ordinance 87-01 and Section 18 of Ordinance 04-01, the City of San Diego certifies that each project of \$250,000 or more will be clearly designated during construction with TransNet project funding identification signs.

BE IT FURTHER RESOLVED, that the City of San Diego does hereby certify that all other applicable provisions of the TransNet Ordinances 87-01 and 04-01 have been met.

BE IT FURTHER RESOLVED, that the City of San Diego agrees to hold harmless and defend the SANDAG Commission against challenges related to local TransNet funded projects.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the Mayor be and he is hereby authorized to forward the Council of the City of San Diego amendments to the 2006 Regional Transportation Improvement Program (RTIP) and confirming that the City of San Diego is in compliance with the TransNet Ordinances as required by SANDAG.

BE IT FURTHER RESOLVED, that City of San Diego certifies that all other applicable provisions of TransNet Ordinance 87-01 and 04-01 have been met.

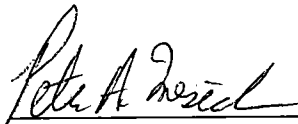
BE IT FURTHER RESOLVED, that City of San Diego agrees to hold harmless and defend the SANDAG Commission against challenges related to local TransNet funded projects.

BE IT FURTHER RESOLVED, that the Mayor or his designee is directed to work promptly to comply with the SANDAG requirement, starting in Fiscal Year 2009 (beginning July 1, 2008), that the City will extract \$2,000 from the private sector for each newly constructed residential housing unit in that jurisdiction to the Regional Transportation Congestion Improvement Program (RTIP), pursuant to Section 9a of the TransNet extension Ordinance.

BE IT FURTHER RESOLVED, that this activity is not a "project" and is therefore not subject to CEQA pursuant to the State Guidelines Section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Peter A. Mesich
Deputy City Attorney

PAM:cfq
05/07/07
06/25/07 COR.COPY
06/27/07 REV.COPY
Or.Dept:E&CP
R-2007-1082

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 26 2007.

ELIZABETH S. MALAND
City Clerk

By *Mary Zumaeta*
Deputy City Clerk

Approved: 6-29-07
(date)

JSS
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor