

(R-2007-1242) 2046
(REV. COPY) 7/30/07

RESOLUTION NUMBER R- 302889

DATE OF FINAL PASSAGE AUG 03 2007

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING THE MAYOR TO
EXECUTE THE FISCAL YEAR 2008 OPERATING
AGREEMENTS FOR SPECIFIED BUSINESS
IMPROVEMENT DISTRICTS.

WHEREAS, the City Council, in accordance with the Parking and Business Improvement Area Law of 1989 (California Streets and Highways Code sections 36500 et seq.), wishes to continue the promotional activities of specified Business Improvement Districts in the City of San Diego; and

WHEREAS, on July 10, 2007, the City Council adopted Resolution No. R- 302820, in which the City Council approved the Fiscal Year 2008 Budget Reports for specified Business Improvement Districts in the City of San Diego; NOW, THEREFORE,

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

1. That the Mayor (or his designee) is authorized to execute the Fiscal Year 2008 operating agreements with the following nonprofit organizations for each of the respective Business Improvement Districts in the City of San Diego specified herein, with Section 13.4.1 modified as set forth in Paragraph 2 below. Those agreements are on file with the Office of the City Clerk under the following document numbers:

<u>Nonprofit Organization</u>	<u>Business Improvement District</u>	<u>Document No.</u>
Adams Avenue Business Association, Inc.	Adams Avenue	RR- <u>302889</u> - 1
City Heights Business Association	City Heights	RR- <u>302889</u> - 2

College Area Economic Development Corporation	College Area	RR- <u>302889</u> - 3
Diamond Community Development Corporation	Diamond	RR- <u>302889</u> - 4
Downtown San Diego Partnership, Inc.	Downtown Improvement Area	RR- <u>302889</u> - 5
El Cajon Boulevard Business Improvement Association	El Cajon Gateway	RR- <u>302889</u> - 6
El Cajon Boulevard Business Improvement Association	El Cajon Central	RR- <u>302889</u> - 7
Gaslamp Quarter Association, Inc.	Gaslamp	RR- <u>302889</u> - 8
Hillcrest Business Improvement Association, Inc.	Hillcrest	RR- <u>302889</u> - 9
Promote La Jolla, Inc.	La Jolla	RR- <u>302889</u> - 10
Little Italy Association	Little Italy	RR- <u>302889</u> - 11
Mission Hills Business Improvement District	Mission Hills	RR- <u>302889</u> - 12
North Park Organization of Businesses, Inc.	North Park	RR- <u>302889</u> - 13
Ocean Beach Merchant's Association, Inc.	Ocean Beach	RR- <u>302889</u> - 14
Old Town San Diego Chamber of Commerce	Old Town	RR- <u>302889</u> - 15
The Pacific Beach Community Development Corporation dba Discover Pacific Beach	Pacific Beach	RR- <u>302889</u> - 16
San Ysidro Improvement Corporation	San Ysidro	RR- <u>302889</u> - 17


2. That Section 13.4.1 of the Fiscal Year 2008 operating agreements with the nonprofit organizations for each of the respective Business Improvement Districts in the City of San Diego (specified in Paragraph 1 above) is modified to read as follows:

The City, at its sole discretion, may immediately terminate this Agreement upon written notice to Contractor (delivered in accordance with the provisions of Article XVII below) if:

- a) Contractor makes material misrepresentations in regard to information furnished to the City pursuant to this Agreement, regardless of whether Contractor had knowledge or intent with respect to the misrepresentation;
- b) Contractor, or any of its officers or directors, engages in conduct that results in Contractor, or any of its officers or directors, being convicted of a felony that materially and adversely affects Contractor's performance of its obligations under this Agreement;
- c) Contractor misappropriates funds;
- d) Contractor files a voluntary petition in bankruptcy, is adjudicated bankrupt, or makes a general assignment for the benefit of creditors; and/or
- e) Contractor is unable or unwilling to comply with any additional terms or conditions concerning the Program that may be required by newly enacted (or amended) federal, state, and/or local laws, rules, regulations, and/or other directives.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Michael D. Neumeyer
Deputy City Attorney

MDN:nda
06/25/07
08/01/07 REV. COPY
Or.Dept: City Planning & Community Investment
R-2007-1242
MMS#4976

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 30 2007.

ELIZABETH S. MALAND
City Clerk

By *Mary Zymaya*
Deputy City Clerk

Approved: 8.3.07

(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____

(date)

JERRY SANDERS, Mayor