

RESOLUTION NUMBER R- 304358

DATE OF FINAL PASSAGE NOV 24 2008

A RESOLUTION BY THE COUNCIL OF THE CITY OF
SAN DIEGO WAIVING CERTAIN PROVISIONS OF
COUNCIL POLICY NO. 100-03 REGARDING THE
TRANSIENT OCCUPANCY TAX [TOT] ALLOCATIONS.

WHEREAS, Council Policy 100-03, Transient Occupancy Tax [TOT], sets forth the mission, purpose, allocation guidelines and general requirements and conditions for funding, budgeting and granting TOT allocations to nonprofit organizations; and

WHEREAS, waivers of Council Policy 100-03, have been granted by City Council via the Annual Appropriations Ordinance in prior years for a few organizations; and

WHEREAS, in Fiscal Year 2009 such waivers were not included in the Annual Appropriations Ordinance; and

WHEREAS, waivers of certain provisions of Council Policy 100-03 for Horton Plaza Theatres Foundation [Horton Plaza] are essential for the operations of the organization; and

WHEREAS, Horton Plaza is funded solely by the City's TOT allocations and Horton Plaza requires advances of TOT allocations to meet cash flow obligations related to maintenance and management of the theatre, requiring a waiver of Section B1; and

WHEREAS, funding for repairs and maintenance of the Horton Plaza theatre may carryover from one fiscal year to the next, requiring a waiver of Section B2; and

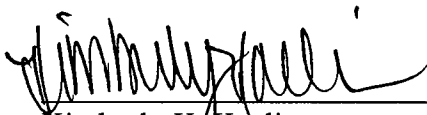
WHEREAS, Horton Plaza requires funding for repairs, maintenance, equipment replacement, equipment purchases, and capital reserves in order to maintain the theatre in operable condition, requiring a waiver of Section B4; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Council hereby waives certain provisions of Council Policy 100-03 as follows:

1. Section B1 of Attachment A is waived for Horton Plaza Theatres Foundation (Horton Plaza) to allow for funding advances;
2. Section B2 of Attachment A is waived for Horton Plaza to allow the organization to incur expenses outside of the fiscal year;
3. Section B4 of Attachment A is waived for Horton Plaza to allow funding for capital or equipment outlay for repairs, maintenance, equipment replacement, equipment purchases and capital reserves to maintain the theatre in operable condition.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Kimberly K. Kaelin
Deputy City Attorney

KKK:nda
10/29/08
11/17/08Cor.Copy
Or.Dept:CP&CI
R-2009-551
MMS#6974

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 17 2008.

ELIZABETH S. MALAND
City Clerk

By *Jana Richardson*
Deputy City Clerk

Approved: 11-24-08
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor