



RESOLUTION NUMBER R- 304382

DATE OF FINAL PASSAGE NOV 24 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE RETURN OF ENDOWMENT FUNDS TO SAN DIEGO STATE UNIVERSITY FOR MAINTENANCE OF MEDIANS ON MONTEZUMA ROAD.

WHEREAS, by Letter of Agreement dated July 19, 2001 between the City of San Diego and San Diego State University [Agreement], San Diego State University [SDSU] agreed to transfer \$100,000 from the \$1.00 per ticket fund established by SDSU to the City of San Diego [City] to help fund the cost of water and maintenance for the Montezuma Road Landscaping Project [the Project]; and

WHEREAS, pursuant to the Agreement, the City agreed to expend only the interest from this account on water and maintenance of the medians, and to maintain the account for a minimum of five years; and

WHEREAS, the Agreement provided that if the College Area Community Council [CCAC] requested at the end of five years that the City return the \$100,000 transfer, a substitute funding mechanism for the maintenance of the medians must be found by the CCAC; and

WHEREAS, on February 25, 2002, by Resolution R-296111, the City established the Montezuma Road Median Maintenance Fund, Fund No. 67050, accepted a \$100,000 endowment from SDSU for the maintenance of medians on Montezuma Road, and authorized the expenditure of interest from the fund; and

WHEREAS, on October 11, 2006, the CCAC voted to terminate the Agreement on January 9, 2007; and

WHEREAS, effective July 1, 2007, the City began funding the maintenance of the Montezuma Road medians with Gas Tax revenue; and

WHEREAS, by letter dated February 18, 2008, the CCAC formally requested the return of the \$100,000 principal along with any unspent interest;


WHEREAS, at the regular meeting of the CACC held September 10, 2008, the CACC by majority vote made the finding that the Gas Tax Median Program is the substitute funding mechanism for the maintenance of the Montezuma medians; NOW, THEREFORE;

BE IT RESOLVED, that the Council authorizes the return of the endowment, \$100,000 in principal, from Fund No. 67050, to SDSU; and

BE IT FURTHER RESOLVED, that the Council authorizes the return of the unspent interest earned from the endowment, \$13,771.81 as of June 6, 2008, from Fund No. 67050, to SDSU; and

BE IT FURTHER RESOLVED, that the Council of the City of San Diego finds that this activity is not a project and is therefore not subject to the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Kimberly Ann Davies  
Deputy City Attorney

KAD:ca:mm  
10/20/08  
Aud. Cert: N/A  
Or. Dept. P&R  
2009-132  
MMS: 6157

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 18 2008.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 11-24-08  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

**The City of San Diego  
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 2800877  
ORIGINATING DEPT. NO.: 446

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \_\_\_\_\_ Fund: \_\_\_\_\_

Purpose: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE


**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$113,771.81

Vendor: San Diego State University

Purpose: Authorize the return of endowment including unspent interest for maintenance of medians on Montezuma Rd received from San Diego State University.

Date: June 6, 2008 By:   
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	67050			9544					\$100,000.00
002	0	67050	67050		4279	000001				13,771.81
TOTAL AMOUNT										\$113,771.81

FUND OVERRIDE

AC 2800877

AC-361 (REV 2-92)

*R* 304382

NOV 18 2008