

RESOLUTION NUMBER R- 308394DATE OF FINAL PASSAGE AUG 13 2013A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO REAPPOINTING A MEMBER OF THE BOARD  
OF DIRECTORS OF THE HORTON PLAZA THEATRES  
FOUNDATION

WHEREAS, the San Diego City Council has approved the Articles of Incorporation and Bylaws for the Horton Plaza Theatres Foundation (Foundation); and

WHEREAS, the specific purpose of the Foundation is "to establish, operate, and maintain one or more legitimate theatres in the City of San Diego," and to promote, either alone or in cooperation with other non-profit organizations or governmental entities, theatre and fine arts in the City of San Diego, through educational, cultural and artistic programs; and

WHEREAS, the Foundation's Bylaws provide that the Council shall appoint fifty percent plus one of the authorized number of members on the Board of Directors of the Foundation, and the rest of the directors shall be appointed by Westfield (formerly Ernest W. Hahn, Inc.); and

WHEREAS, directors appointed by the City shall serve a term of four years, except that two directors appointed by the City to a first term which begins on June 7, 2013 shall serve a term of three years for such first term, and any subsequent term to which any such director may be appointed by the City shall be for a term of four years; and

WHEREAS, a director shall hold office until the expiration of the term for which he or she was appointed, and until a successor has been appointed and qualified; and

WHEREAS, directors are to be residents of San Diego County, according to the bylaws of the Horton Plaza Theatres Foundation, and thus a waiver of Council Policy 000-13 is not necessary to appoint someone to the Board of Directors who does not live in the City of San Diego; and

WHEREAS, Councilmembers have had the opportunity to submit proposed nominees for appointment as City appointees to the Horton Plaza Theatres Foundation Board; and


WHEREAS, the Foundation has amended its bylaws to change the end date of all terms, which affects the appointment now pending before the Council; and

WHEREAS, Board member Thomas Muehlbauer is currently serving a term of office that is scheduled to expire on August 31, 2013, and thus his new term will be effective as of September 1, 2013; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the following reappointment by the Council to serve as a member of the Board of Directors of the Horton Plaza Theatres Foundation, for a term ending as indicated, is made and hereby confirmed:

<u>NAME</u>	<u>TERM ENDING</u>
Thomas Muehlbauer (Downtown, District 3) (Reappointment)	June 7, 2017

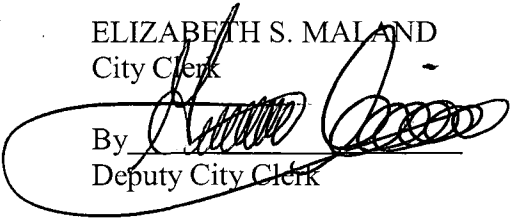
APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Sharon B. Spivak  
Deputy City Attorney

SBS:jdf  
7/17/13  
Or.Dept:Council President  
Document No.:596937

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 30 2013.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
BOB FILNER, Mayor

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

\_\_\_\_\_  
BOB FILNER, Mayor

(Please note: This resolution was returned unsigned by the Mayor's Office to the Office of the City Clerk on August 5, 2013. Pursuant to the San Diego Charter Section 295(a)(2), this resolution is deemed approved on August 13, 2013.)

Passed by the Council of The City of San Diego on JUL 30 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 13 2013

**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

BOB FILNER

Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 308394