

RESOLUTION NUMBER R- 308946

DATE OF FINAL PASSAGE MAY 15 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING AND DIRECTING THE MAYOR  
TO EXECUTE A TERMINATION AGREEMENT FOR THE  
BALBOA PARK CELEBRATION, INC. MOU AND FUNDING  
AGREEMENT

WHEREAS, effective November 4, 2012, the City and Balboa Park Celebration, Inc. (BPCI) entered into a Memorandum of Understanding (MOU) designating BPCI as City's Official Event Organizer for a year-long celebration to highlight the 100th Anniversary of the 1915 Panama-California Exposition in Balboa Park (Celebration); and

WHEREAS, BPCI is a nonprofit public benefit corporation (tax exempt under section 501(c)(3) of the Internal Revenue Code and section 23701 of the California Revenue and Taxation Code), governed by an independent board of directors, and formed for the primary purpose of planning, organizing, promoting, and implementing the Celebration, including fundraising to support that purpose, all for the benefit of Balboa Park; and

WHEREAS, the City intended that the Celebration be an event of significant magnitude to generate positive impacts on the local and regional economies, reverberate in the global media, and attract local, national, and international visitors through community, cultural, recreational, and promotional events and programs showcasing Balboa Park and the City of San Diego. Pursuant to the MOU, BPCI agreed to plan, organize, promote, and implement the Celebration, and to raise funds and sponsorships for that purpose; and

WHEREAS, pursuant to the MOU, BPCI is financially responsible for the Celebration, events conducted in connection with the Celebration, and all debts incurred and obligations entered into by the Committee, and City is not accountable or liable for any monetary or other losses incurred by BPCI as a result of or related to the MOU; and

WHEREAS, in addition to other funds raised by BPCI, City provided funds to support the activities and services necessary for planning, organizing, and implementing the Celebration, subject to a Funding Agreement for the Provision of Economic Development and Tourism Support Services Related to the 2015 Celebration, entered into by the Parties effective November 7, 2011, and subsequent amendments (collectively, and including Penny for the Arts funding provided pursuant to the Second Amendment, the Funding Agreement); and

WHEREAS, pursuant to the terms of the Funding Agreement, City paid BPCI a total of \$1,630,916; and

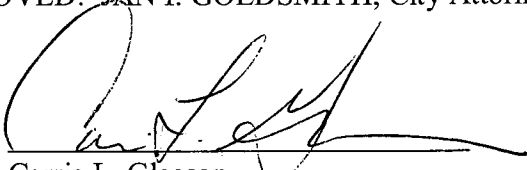
WHEREAS, the term of the MOU is from November 4, 2011 through June 30, 2016; and

WHEREAS, BPCI has been unable to raise sufficient funds to carry forward its work under the MOU such that on March 4, 2014, the Board of Directors of BPCI formally acted to notify City of its desire to terminate the MOU by mutual agreement; and

WHEREAS, City and BPCI desire to enter into the proposed Termination Agreement to formally terminate BPCI's contractual obligations regarding the Celebration, to identify the surviving terms, and to clearly set forth the resulting responsibilities of each party; NOW, THEREFORE,

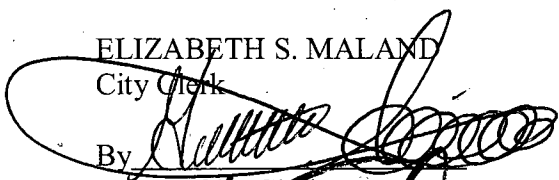
BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor, or his designee, is hereby authorized and directed to execute, for and on behalf of the City, that certain Termination Agreement, on file with the Office of the City Clerk as Document No. R- 308946 with Balboa Park Celebration, Inc.

APPROVED: JAN I. GOLDSMITH, City Attorney


By   
Carrie L. Gleeson  
Deputy City Attorney

CLG:jdf  
3/24/2014  
Or.Dept:Mayor  
Doc. No.: 753312

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 13 2014.

ELIZABETH S. MALAND  
City Clerk  
By   
Deputy City Clerk

Approved: 9/15/14  
(date)

  
KEVIN L. FAULCONER, Mayor

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

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on MAY 13 2014, 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"/>
Ed Harris	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 15 2014

(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:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

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