

11-2001-6/14/16  
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(O-2016-139)

ORDINANCE NUMBER O- 20667 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 29 2016

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 1, DIVISION 25 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 61.2513, 61.2524, AND 61.2526, ALL RELATING TO TOURISM MARKETING DISTRICT.

WHEREAS, the City of San Diego seeks to update and clarify its Tourism Marketing District Procedural Ordinance; and

WHEREAS, the purpose of this amendment is not to change the meaning of the Tourism Marketing District Procedural Ordinance but to clarify its existing intent; NOW, THEREFORE,

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

Section 1. That Chapter 6, Article 1, Division 25 of the San Diego Municipal Code is amended by amending section 61.2513 to read as follows:

**§61.2513 Establishment, Modification or Disestablishment; Districts and Benefit Zones**

- (a) All provisions of this Division applicable to the establishment, modification, or disestablishment of a *tourism marketing district* apply to the establishment, modification, or disestablishment of benefit zones or categories of *business*. In order to establish, modify, or disestablish a benefit zone or category of *business*, the City Council shall follow the procedure to establish, modify, or disestablish a *tourism marketing district*.
- (b) Subsection (a) above notwithstanding, no written petition of *business owners* shall be required for the City Council to change or clarify a benefit zone or category of *business* subject to an *assessment*; however, a written

petition shall be required for the City Council to disestablish a benefit zone or category of *business* subject to an *assessment*. Any such petition may be signed by any *business owner* in the district, whether or not such *business* is within a benefit zone or category of *business* to be disestablished.

Section 2. That Chapter 6, Article 1, Division 24 of the San Diego Municipal Code is amended by amending section 61.2524 to read as follows:

**§61.2524 Disestablishment of District, Benefit Zone or Category of Business; Procedures**

- (a) [No change in text.]
- (b) The City Council shall adopt a resolution of intention to disestablish the *district*, benefit zone or category of *businesses* within the *district*, prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the *assessments* levied within the *district*. or benefit zone within the *district*. The notice of the hearing on disestablishment required by this section shall be given by mail to the owner of each *business* subject to *assessment* in the *district*. The City Council shall conduct the public hearing not less than 30 days after the mailing of the notice to the *business owners*. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

Section 3. That Chapter 6, Article 1, Division 26 of the San Diego Municipal Code is amended by amending section 61.2526 to read as follows:

**§61.2526 Action to Determine Validity; Action Contesting Validity**

- (a) An action to determine the validity of *assessments*, contracts, improvements, or *activities*, or the amendment or approval of a *district management plan*, including but not limited to an amendment that changes, clarifies, or disestablishes a benefit zone or category of *businesses*, may be brought by the City or *tourism marketing district association* pursuant to Chapter 9 (commencing with section 860) of Title 10 of Part 2 of the California Code of Civil Procedure. For such purpose an *assessment*, contract, improvement, *activity*, acquisition, *plan*, or *plan* amendment shall be deemed to be in existence upon its authorization by the City Council.
- (b) In accordance with California Streets and Highways Code section 36633, the validity of an action identified in subsection (a) above, shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the matter is deemed to be in existence under that subsection (a). Any appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

Section 4. If any section, subsection, sentence, clause or phrase of this amendment to the Tourism Marketing District Procedural Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Procedural Ordinance. The City Council

hereby declares that it would have passed this amendment to the Procedural Ordinance, and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional.

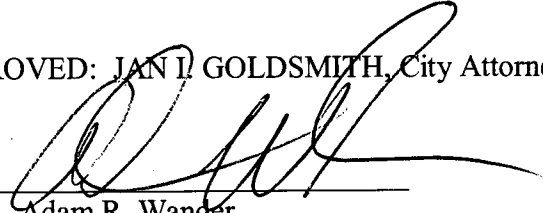
Section 5. That to the extent the provisions of the San Diego Municipal Code as amended by this ordinance are substantially the same as those provisions read earlier, they shall be read as continuations of those earlier provisions and not as new enactments.

Section 6. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 7. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

  
Adam R. Wander  
Deputy City Attorney

ARW:mcm  
06/08/2016  
Or.Dept: Econ. Devel.  
Doc. No.: 1300316\_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 28 2016.

ELIZABETH S. MALAND  
City Clerk

By *Stacy Meadows*  
Deputy City Clerk

Approved: 6/29/16  
(date)

*Kevin L. Faulconer*  
KEVIN L. FAULCONER, Mayor

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

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

**STRIKEOUT ORDINANCE**

**OLD LANGUAGE: ~~Strikeout~~**

**NEW LANGUAGE: Underlined**

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

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DIVISION 25 OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTIONS 61.2513, 61.2524, AND 61.2526, ALL  
RELATING TO TOURISM MARKETING DISTRICT.

**§61.2513 Establishment, Modification or Disestablishment; Districts and Benefit Zones**

- (a) All provisions of this Division applicable to the establishment, modification, or disestablishment of a *tourism marketing district* apply to the establishment, modification, or disestablishment of benefit zones or categories of *business*. In order to establish, modify, or disestablish a benefit zone or category of *business*, the City Council shall follow the procedure to establish, modify, or disestablish a *tourism marketing district*.
- (b) Subsection (a) above notwithstanding, no written petition of *business owners* shall be required for the City Council to change or clarify a benefit zone or category of *business* subject to an *assessment*; however, a written petition shall be required for the City Council to disestablish a benefit zone or category of *business* subject to an *assessment*. Any such petition may be signed by any *business owner* in the district, whether or not such

business is within a benefit zone or category of business to be disestablished.

**§61.2524 Disestablishment of District, Benefit Zone or Category of Business:  
Procedures**

- (a) [No change in text.]
- (b) The City Council shall adopt a resolution of intention to disestablish the *district*, benefit zone or category of businesses within the district, prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the *assessments* levied within the *district*: or benefit zone within the district. The notice of the hearing on disestablishment required by this section shall be given by mail to the owner of each *business* subject to *assessment* in the *district*. The City Council shall conduct the public hearing not less than 30 days after the mailing of the notice to the *business owners*. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

**§61.2526 Action to Determine Validity; Action Contesting Validity**

- (a) An action to determine the validity of *assessments*, contracts, improvements, or *activities*, or the amendment or approval of a district management plan, including but not limited to an amendment that changes, clarifies, or disestablishes a benefit zone or category of businesses, may be brought by the City or *tourism marketing district association* pursuant to Chapter 9 (commencing with section 860) of Title

10 of Part 2 of the California Code of Civil Procedure. For such purpose an *assessment, contract, improvement, activity, or acquisition, plan, or plan amendment* shall be deemed to be in existence upon its authorization by the City Council.

- (b) In accordance with California Streets and Highways Code section 36633, the validity of an ~~assessment levied under~~ action identified in subsection (a) above this Division, shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the ~~resolution levying the assessment is adopted pursuant to section 61.251.~~ matter is deemed to be in existence under that subsection (a). Any appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

ARW:mcm  
06/08/2016  
Or. Dept: Econ. Devel.  
Doc. No. 1300204



Passed by the Council of The City of San Diego on JUN 28 2016, 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"/>
Lorie Zapf	<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"/>
Chris Cate	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 29 2016

AUTHENTICATED BY:

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

(Seal)

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

By Mary Terandy, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUN 14 2016, and on JUN 29 2016

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

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

By Mary Terandy, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20667