

# 5505  
8/2/16

(R-2017-57)  
(COR. COPY)

RESOLUTION NUMBER R- 310656

DATE OF FINAL PASSAGE AUG 10 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPOINTING MEMBERS 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 Council shall serve 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, the Foundation has more recently amended its bylaws, adding one new director to be appointed by the Council, and one new director to be appointed by Westfield; and

WHEREAS, the Council now seeks to make one appointment and one reappointment to the Foundation’s Board of Directors; NOW, THEREFORE,

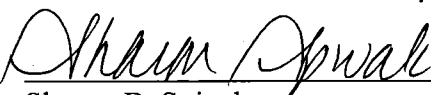
BE IT RESOLVED, by the Council of the City of San Diego, that the following appointment and reappointment by the Council, to serve as members of the Board of Directors of

the Horton Plaza Theatres Foundation, for terms ending as indicated, are made and hereby confirmed:

<u>NAME</u>	<u>TERM ENDING</u>
Suzanne Varco (Bonita) (Reappointment)	June 7, 2020
Larry Marshall (Downtown, District 3) (Filling the seat previously held by Kathi Diamant)	June 7, 2020

BE IT FURTHER RESOLVED, that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, it is determined that Suzanne Varco is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as a member of the Committee, therefore, a conscious exception to Council Policy 000-13 is hereby declared.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Sharon B. Spivak  
Senior Deputy City Attorney

SBS:jdf  
07/28/16  
04/12/19 Cor. Copy  
Or.Dept: Council President  
Document No.: 1327856\_2

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of AUG 02 2016.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

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

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

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

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

(See attached note and signature page.)

Corrected Copy of San Diego Resolution R-310656 (August 10, 2016)

On August 2, 2016, the San Diego City Council voted to adopt Resolution R-310656, appointing and reappointing two members to the Board of Directors of the Horton Plaza Theatres Foundation. The Resolution's date of final passage was August 10, 2016.

The Resolution included a recital on page 1 stating, "WHEREAS, directors appointed by the Council shall serve a term of four years." (Emphasis added.) This recital complied with the bylaws of the Foundation in effect at the time of final passage.

The Staff Report uploaded with the item, as well as the "Term Ending" boxes on page 2 of the Resolution, inadvertently included typographical errors. Both stated that terms of Board members Suzanne Varco and Larry Marshall would end June 7, 2019, but this provided a three-year term, when the recital stated the appointments were to be made for a four-year term. The Resolution should have said 2020, not 2019.

The typographical errors recently were brought to the attention of the City Clerk's Office.

The City Charter provides that typographical errors such as these may be corrected without further action by the legislative body. The corrected Resolution provided by the City Attorney's Office on April 12, 2019 includes the following corrections:

- Resolution, page 2, under "Term Ending" for appointee Suzanne Varco, has been changed from "June 7, 2019" to "June 7, 2020."
- Resolution, page 2, under "Term Ending" for appointee Larry Marshall, has been changed from "June 7, 2019" to "June 7, 2020."

The City Clerk's website has been updated to reflect the corrections.

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of AUG 02 2016.

ELIZABETH S. MALAND  
City Clerk

By *May Hernandez*  
Deputy City Clerk

Approved: 8/8/16  
(date)

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

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

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

Passed by the Council of The City of San Diego on AUG 02 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 10 2016.

**(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.

(Seal)

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

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 310656