

#200A 11/4/19

(O-2020-40 REV.)

ORDINANCE NUMBER O- 21143 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 04 2019

AN ORDINANCE OF THE CITY OF SAN DIEGO SUBMITTING ONE CITIZENS' INITIATIVE MEASURE TITLED "FOR A BETTER SAN DIEGO" TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO, AT THE MUNICIPAL SPECIAL ELECTION TO BE HELD ON MARCH 3, 2020.

WHEREAS, on July 9, 2018, an initiative petition titled "For A Better San Diego" (the initiative petition) was filed with the City Clerk on behalf of the initiative petition's proponents; and

WHEREAS, the initiative petition asks voters to approve an increase to the Transient Occupancy Tax (TOT) paid by visitors to the operators of hotels, campgrounds, and other sites in the City of San Diego (City), with revenues raised by the additional TOT reserved for San Diego Convention Center purposes, including expansion and modernization; programs and services to reduce homelessness in the City; and street repairs, improvements, and maintenance in the City; and

WHEREAS, the initiative petition also includes provisions regarding the City's issuance of related bonds; and

WHEREAS, upon completion of a prima facie review, the City Clerk accepted the initiative petition as filed, in compliance with San Diego Municipal Code (Municipal Code) section 27.1021; and

WHEREAS, the City Clerk submitted the initiative petition to the San Diego County Registrar of Voters (Registrar of Voters) for signature verification; and

WHEREAS, on August 8, 2018, the Registrar of Voters completed its verification of three percent of the signatures selected at random from the petition in accordance with Municipal Code section 27.1022, and certified that the sample showed the projected number of valid signatures fell between 95 percent and 110 percent of the number of signatures needed to declare the petition sufficient; and

WHEREAS, as a result of the random sample, the Registrar of Voters, following California Elections Code section 9115, then conducted a signature-by-signature examination and verification of the petition signatures; and

WHEREAS, on September 20, 2018, the Registrar of Voters certified that the initiative petition contained the valid signatures of ten percent of the City's registered voters at the last general election, sufficient under Charter section 23 to qualify the initiative for direct submission to the voters; and

WHEREAS, on September 20, 2018, the City Clerk certified that the signatures on the initiative petition were sufficient to qualify the initiative for consideration for adoption or submittal to the voters; and

WHEREAS, on September 25, 2018, in compliance with Municipal Code section 27.1027, the City Clerk presented the initiative petition, with its certification attached, to the City Council (Council); and

WHEREAS, in compliance with Municipal Code section 27.1034, if an initiative petition presented to the Council contains the signatures of ten percent or more of the voters, the Council shall, within ten business days of the date of presentation, adopt or reject the legislative act as presented, but may not amend it; and

WHEREAS, in compliance with Municipal Code sections 27.1034 and 27.1035, the Council shall consider a certified initiative petition and either (1) grant the initiative petition and adopt its provisions in full; or (2) adopt a resolution of intention to submit the matter to the voters at a special election, and direct the City Attorney to prepare an ordinance calling a special election to place the matter on the ballot; and

WHEREAS, the initiative petition that is the subject of this ordinance seeks to increase the City's Transient Occupancy Tax, and the Council does not have legal authority under the California Constitution to increase a tax on its own vote; thus, the Council could not grant the initiative petition and adopt its provisions in full; and

WHEREAS, initiative measures that seek to increase a tax must be submitted to the voters for approval; and

WHEREAS, Charter section 23 directs that initiated legislative acts that qualify for the ballot "shall be submitted to the electorate at a Municipal Special Election consolidated with the next City-wide Municipal General Election ballot on which the measures legally can be placed, or at a City-wide Municipal Special Election held prior to that general election"; and

WHEREAS, on October 8, 2018, the Council adopted San Diego Resolution No. R-311981, declaring its intention to submit the initiative petition for the measure titled “For A Better San Diego Initiative” to the City’s voters at a citywide election; and

WHEREAS, the resolution directed the City Attorney to prepare an ordinance placing the initiative measure on the ballot at a Municipal Special Election consolidated with the next citywide Municipal General Election ballot in November 2020, unless the Council decided to place the initiative measure on the ballot of a citywide Municipal Special Election to be held prior to that general election; and

WHEREAS, on April 15, 2019, the Council adopted San Diego Resolution No. R-312349, superseding San Diego Resolution No. R-311981, and declaring its intention to submit the “For A Better San Diego Initiative” to the City’s voters at the Municipal Special Election to be held on March 3, 2020; and

WHEREAS, on October 1, 2019, the Council adopted San Diego Ordinance No. O-21139, calling a Municipal Special Election in the City for Tuesday, March 3, 2020, to submit one or more ballot measures to the City’s qualified voters, and the Council now desires to submit the ‘For A Better San Diego Initiative’ measure to the City’s qualified voters on that ballot; and

WHEREAS, the initiative measure seeks to increase the Transient Occupancy Tax, which is a special tax, and thus the initiative measure requires approval by a two-thirds majority of the local electorate to be adopted by the voters; and

WHEREAS, pursuant to Charter section 295(b), the Council’s adoption of an ordinance to submit a citizens’ initiative measure to City voters at a Municipal Special Election is not

subject to veto by the Mayor, and thus the date of the ordinance's passage by the Council shall be deemed the date of its final passage; NOW, THEREFORE,

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

Section 1. One citizens' initiative measure titled "For A Better San Diego" is submitted to the qualified voters of the City of San Diego at the Municipal Special Election to be held on March 3, 2020, with the measure to read as follows:

---

**MEASURE**

The complete text of the initiative measure is attached to this Ordinance as Exhibit A, and incorporated by reference here, and will be submitted to the San Diego County Registrar of Voters in a separate document.

**END OF MEASURE**

---

Section 2. The measure shall be presented and printed upon the ballot and submitted to the voters in the manner and form to be determined by the Council by resolution, in compliance with the San Diego Municipal Code.

Section 3. On the ballot to be used at this Municipal Special Election, in addition to any other matters required by law, there shall be printed substantially the following:

<b>MEASURE ____ . INITIATIVE MEASURE - HOTEL VISITOR TAX INCREASE FOR CONVENTION CENTER EXPANSION, HOMELESSNESS PROGRAMS, STREET REPAIRS.</b> Shall the measure be adopted to: increase the City of San Diego’s 10.5% hotel visitor tax by 1.25 to 3.25 percentage points, depending on hotel location, through at least 2061, designated to fund convention center expansion, modernization, promotion and operations, homelessness services and programs, and street repairs; and authorize related bonds; with a citizens’ oversight committee and audits by the independent City Auditor?	YES	
	NO	

Section 4. An appropriate mark placed in the voting square after the word “Yes” shall be counted in favor of the adoption of this measure. An appropriate mark placed in the voting square after the word “No” shall be counted against the adoption of the measure.

Section 5. Passage of this measure requires the affirmative vote of two-thirds of those qualified electors voting on the matter at the Municipal Special Election.

Section 6. The City Clerk shall cause this ordinance or a digest of this ordinance to be published once in the official newspaper following this ordinance’s adoption by the Council.

Section 7. Pursuant to San Diego Municipal Code section 27.0402, this measure will be available for public examination for no fewer than ten calendar days prior to being submitted to the San Diego County Registrar of Voters under the deadline for publication of ballot materials. During the examination period, any voter registered in the City may seek a writ of mandate or an injunction requiring any or all of the measure to be amended or deleted. The examination period will end on the day that is 75 days prior to the date set for the election. The Clerk shall post notice of the specific dates that the examination period will run.

Section 8. A full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the Council and the public prior to the day of its passage.

Section 9. This ordinance placing a qualified initiative measure on the ballot is a ministerial act within the Council's purview and related to elections, and thus not subject to mayoral veto under Charter section 280(a)(1); as such, it may be passed by the Council on the date of introduction pursuant to Charter sections 275(c), 295(b), and 295(d).

APPROVED: MARA W. ELLIOTT, City Attorney

By Kevin Reisch  
Kevin Reisch  
Senior Chief Deputy City Attorney

SBS:KJR:jdf  
09/11/19  
10/24/19 REV.  
Or.Dept: Mayor  
Document No.: 2043393\_2

Exhibit A to  
Ordinance  
(O-2020-40)



## INITIATIVE PETITION

To the Honorable City Council of The City of San Diego:

We, the undersigned registered voters of The City of San Diego, California, by this petition hereby respectfully propose the following legislative act be adopted by the City Council or submitted to the registered voters of The City of San Diego for their adoption or rejection:

### NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given of the intention of the persons whose names appear hereon to circulate a petition within the City of San Diego for the purpose of increasing the overnight lodging tax paid by visitors to San Diego to generate hundreds of millions of dollars needed to address the leading problems affecting our status as a world class destination city, with revenues being raised by hotel visitors only.

### "FOR A BETTER SAN DIEGO"

Be it ordained by the people of the City of San Diego:

#### Section 1. Title.

This measure is a citizen initiative measure and it shall be known, cited and referred to as the "For a Better San Diego" measure.

#### Section 2. Findings and Purpose

San Diego has long been considered a "world class destination city" for tourists and visitors. Our tourism industry is one of the largest contributors to our local economy. And tourism revenues from visitor taxes, paid by overnight lodging guests – are the third largest source of revenue to the City of San Diego.

However, today, our tourism economy and local community are facing unprecedented challenges. Tourism and lodging leaders have identified three major factors that are diminishing San Diego's status as a desirable world class destination for tourists and visitors. These factors are: a spiraling homelessness crisis, city streets full of potholes and in urgent need of repair, as well as outdated and inadequate convention and tourist facilities. Together, these factors are restricting the healthy expansion of the tourism economy which provide money for the local economy and funds for city services.

Yet, while "America's Finest City" today faces multiple challenges to our status as a world-class destination city, we have increasingly limited financial resources available to address those challenges. Taken together, these challenges threaten our City's reputation, quality of life, the health of our local economy, and our attractiveness to millions of tourists and visitors.

This measure, if adopted, will provide significant new revenues to address these challenges and will provide a "turning point" that will restore and secure San Diego's status as a world-class destination city for tourists and visitors for years to come. To accomplish this purpose, this measure will provide additional funding to: (1) reduce homelessness, (2) improve city streets, and (3) significantly expand visitor/tourist facilities – with revenues being raised from hotel visitors only.

With this purpose in mind, San Diego's tourism and lodging leaders have joined with homeless advocates, community activists, business leaders, and others who represent a broad cross-section of the San Diego community to sponsor "For A Better San Diego" to address these problems which are diminishing San Diego's stature as an attractive destination for visitors and tourists. This citizen initiative measure will increase the overnight lodging tax paid by visitors to San Diego which will then generate hundreds of millions of dollars needed to address the leading problems affecting our status as a world class destination city.

#### Reducing Homelessness

As mentioned before, San Diego's homeless crisis has been a major concern for visitors and residents alike. Yet, the crisis continues to grow year by year. Recent counts suggest there are more than 5,000 homeless women and children, military veterans, individuals with mental health and physical challenges, and other vulnerable populations, in our City. Many of these individuals live on city streets, sidewalks, open space, canyons, beaches, parks, riverbeds and natural lands, which results in impacts on tourists and visitors, and puts strain on those resources.

San Diego's homeless crisis is certainly a humanitarian crisis. But it is also a public health threat, a public safety issue, and an economic issue all of which detrimentally effects our status as a world class destination city. The current situation is of grave concern to many San Diego residents, businesses, and visitors and requires immediate action. The Regional Task Force on the Homeless (an integrated array of stakeholders committed to preventing and alleviating homelessness in San Diego) has determined that more funds are critically needed for shelter and services that will help the homeless to get off the streets and to improve their condition. This group has also cited the lack of affordable housing in San Diego as a major contributor to the homeless crisis. These needs must be addressed.

Lodging and tourism businesses are especially concerned about the impacts of the homeless crisis. If potential visitors worry about health, safety, or security issues associated with rampant homelessness then they won't come to our city. Indeed, the Hepatitis A outbreak in late 2016 has had a profoundly negative impact on tourism. This negative image, if it goes unchecked, will reduce city revenues from tourism which will negatively impact city services.

Yet, Federal, State and County leaders have provided insufficient funding and assistance to the City to make a meaningful difference in solving the homelessness issue. This situation is unlikely to improve anytime soon. We therefore need a meaningful infusion of resources and we need it now.

This measure provides a permanent new source of dedicated funding that is expected to generate more than \$140 million in just the first five years to address the homelessness crisis. For the first time, our community will have significant new funds to help provide food, shelter, and other assistance to those in need. This measure will help to significantly reduce homelessness in San Diego.

### Improving City Streets

Next, in order to make San Diego a world class destination for visitors and residents, we need to fix San Diego's deteriorating streets, roads, sidewalks, and related infrastructure which are in dire need of additional funding so that they may be brought up to the modern standards that tourists, visitors, and residents want, need, and expect.

Yet, current city funds are woefully inadequate to keep up with the ongoing repair of streets, sidewalks, and related infrastructure. There are too many streets, roads, and sidewalks in our city that are badly outdated, in urgent need of repair, or dotted with broken pavement and deep potholes. This situation is harmful and dangerous to both vehicles, residents, and visitors. Unless these needs are addressed people will choose to not come to San Diego.

This measure provides a permanent new source of dedicated funding—paid for by hotel visitors only—which will generate tens of millions of dollars to help bring San Diego's streets, roads, sidewalks and associated infrastructure up to modern standards.

### Expanding Visitor/Tourist Facilities

Finally, our outdated and inadequately sized San Diego Convention Center has been losing multiple major conventions to competitors in Orange County, Los Angeles and other markets. Comic-Con and many other major conventions have long asked for a larger and more modern Convention Center.

When we lose multiple major conventions, we lose tens of thousands of overnight lodging guests and WE LOSE MANY MILLIONS OF TAX DOLLARS that those visitors would have paid. Instead they've taken their business to Anaheim, Los Angeles, San Francisco and other competing markets.

San Diego depends on the steady growth of visitor tax revenues to fund needed public safety, firefighting, park and recreation, senior assistance programs, and many other services. Until we can modernize and expand our Convention Center to attract and accommodate visitors to San Diego, we will continue to lose major conventions and tens of millions in tax revenues that our City needs.

Independent studies have estimated that a modernized and expanded Convention Center would create more than 6,900 permanent new local jobs and several thousand additional construction related jobs. It would also increase General Fund revenues by \$10 to \$15 million per year.

For the reasons above, San Diego's tourism and lodging businesses have teamed up to sponsor and support this effort, which will raise taxes on their own customers, in order to restore San Diego to its position as a world class destination city. These businesses are supporting a tiered lodging tax on overnight visitors that will be EARMARKED BY LAW exclusively for programs to reduce homelessness, programs to improve city streets, roads, sidewalks and associated infrastructure, as well as to modernize and expand the San Diego Convention Center. A tiered overnight lodging tax will total 1.25 percent for those on the outskirts of our city, 2.25 percent for lodging facilities on the periphery of downtown, and 3.25 percent for downtown lodging facilities closest to a modernized and expanded Convention Center. This proposal ensures that customers of hotels likely to benefit the most from the results of this measure will pay the most. Occupants of hotels who are expected to derive relatively less overall benefit from the results of the measure will be subject to lower tax rates.

This measure will also require an annual independent audit of the uses of these funds to ensure that they are spent as intended by the voters and by law. This measure prohibits these funds from being used for other purposes.

The additional overnight visitor tax proposed in this measure will still keep San Diego's tourism and lodging industry at or below the visitor tax charged by cities competing with San Diego for convention and tourism related business. It will keep San Diego's tourism economy competitive with other markets. It will help keep current large conventions and attract many more major conventions – thus helping to significantly expand our tourism economy.

Tourism and lodging businesses AND San Diego residents will benefit from the increase in tourism (an estimated 6,900 permanent new jobs), significant new revenues to the City's General Fund, a reduction in homelessness, improved streets, roads, and sidewalks and improved tourist/visitor facilities that this measure will bring. Adopting this measure will help to ensure that San Diego will once again become a world class destination city for tourists and visitors and a source of pride for all San Diegans.

### **Section 3. Amendment to the San Diego Municipal Code**

Chapter 3, Article 5 of the San Diego Municipal Code is amended to add a new Division 2, numbered, titled, and to read as follows:

#### **Division 2: Additional, Voter-Approved Transient Occupancy Tax and Related Bonds**

##### **§35.0201 Imposition of Special Tax**

(a) Notwithstanding the tax imposed by Sections 35.0103, 35.0104, 35.0105, 35.0106, 35.0107, or 35.0108, and in addition thereto, for the privilege of Occupancy in any Hotel, any Recreational Vehicle Park, or any Campground, or other overnight lodging facility required to pay the Transient Occupancy Tax either currently or in the future, each Transient is subject to and shall pay the Additional Tax in a specified percentage of the Rent charged by the Operator, as follows:

- (i) One and one-quarter percent (1.25%) in Tax Zone 1.
- (ii) Two and one-quarter percent (2.25%) in Tax Zone 2.
- (iii) Three and one-quarter percent (3.25%) in Tax Zone 3.

(b) The Additional Tax shall be effective on January 1, 2019 and shall continue for 42 consecutive years from the final calendar day of the month in which the Convention Center Long-Term Expansion Bonds are issued, except as follows:

(i) If no Convention Center Long-Term Expansion Bonds have been issued within 10 years after the date the tax is first imposed, then this additional tax shall cease 10 years after the date of imposition

(ii) Notwithstanding the above provisions, if the imposition of the Additional Tax is scheduled to cease 10 years after it is first imposed in accordance with clause

(i) immediately above, but any issued earlier to finance Homeless Programs, Street Repairs, or Convention Center Improvements remain outstanding, then the Additional Tax shall continue in effect in the amount necessary to fund payments of principal and interest on the Bonds until those Bonds have been fully satisfied.

#### **§35.0202 Special Purposes of Additional Tax Revenues**

(a) The Additional Tax is a special tax that will generate Additional Tax Revenues to the City for the Special Purpose Activities, specifically including:

- (i) Homeless Programs;
- (ii) Street Repairs;
- (iii) Convention Center Improvements;
- (iv) Convention Center Operations;
- (v) Convention Center Support Activities; and
- (vi) Convention Center Business Development Programs

(b) All Additional Tax Revenues shall be applied only to the Special Purpose Activities, as more specifically described in Section 35.0204 and Section 35.0206.

(c) The People of the City of San Diego intend that the Additional Tax Revenues will supplement, rather than replace, any existing revenue sources (as outlined in the Fiscal Year 2016-2017 budget adopted by the San Diego City Council) to the Convention Center, Street Repairs and Homelessness Programs before imposition of the Additional Tax.

#### **§35.0203 Collection and Allocation of Additional Tax Revenues**

(a) The Additional Tax shall consist of the Homelessness Program Tax Component, the Street Repair Tax Component, and the Convention Center Tax Component.

(b) Except as otherwise specified in Section 35.0204(a) the Homelessness Program Tax Component shall equal thirty-one percent (31%) of the Additional Tax Revenues, the Street Repair Tax Component shall equal ten percent (10%) of the Additional Tax Revenues, and Convention Center Tax Component shall equal fifty-nine percent (59%) of the Additional Tax Revenues.

(c) If a Tax Allocation Triggering Event has occurred with respect to any fiscal year, the Mayor may propose as part of any annual budget required by Section 35.0206 and the City Council may approve, a revised percentage allocation that allocates a lesser percentage of the Additional Tax Revenues to the Convention Center Tax Component and a greater percentage to either or both of the Homeless Program Tax Component or the Street Repair Tax Component than shown in Section 35.0204. Any revised percentage allocation shall be operative only for that fiscal year.

(d) The City Treasurer shall collect the Additional Tax and deposit the Additional Tax Revenues in the appropriate Revenue Accounts, consistently with the revenue allocations identified in this Section. The Chief Financial Officer shall disburse funds from each Revenue Account consistently with the Special Purpose Activities identified in Section 35.0204 and approved annual budgets described in Section 35.0206.

(e) Proceeds of the Homelessness Program Tax Component shall be deposited into the Homelessness Revenue Account.

(f) The City's proceeds of the Street Repair Tax Component shall be deposited into the Street Repair Revenue Account.

(g) The City's proceeds of the Convention Center Tax Component shall be deposited into the Convention Center Revenue Account.

#### **§35.0204 Utilization of Additional Tax Revenues**

(a) Special Homeless Crisis Allocation. Through fiscal year 2023–2024, forty-one percent of the total revenues shall be allocated to the Homeless Revenue Account and fifty-nine percent to the Convention Center Revenue Account. From and after fiscal year 2024–2025, the revenue allocations shall be as stated in Section 35.0203(b).

(b) All funds in the Homelessness Revenue Account shall be used exclusively for Homelessness Program Costs, and not for any other Special Purpose Activity or any other governmental purpose. The City, another public entity, a nonprofit entity, or a private entity, as permitted by law, may operate, manage, and own an Affordable Housing project subsidized by funds from the Homelessness Revenue Account. If funds in the Homelessness Revenue Account are allocated to construction of a project that includes both market-rate elements and Affordable Housing, the allocation of funds in the Homelessness Revenue Account to the project shall not exceed the actual, reasonable construction cost of Affordable Housing units, as reasonably determined by the Mayor. The City Council may from time to time establish by resolution standards to implement, monitor, and enforce each Affordability Covenant consistently with prevailing standards in the affordable housing industry. The City Council shall also adopt a resolution establishing an advisory seven-member Citizens Oversight Committee appointed by the Mayor and confirmed by the City Council as provided in City Charter sections 43, 265(b)(11) & (12), and 265(g) to have the following duties and responsibilities: (1) provide input on, and review plans for, expenditures of bond proceeds, including an annual allocation plan or expenditure plan; and (2) advise and make recommendations to the Mayor and City Council relative to all expenditures in this program, including plans, policies, funding guidelines and funded projects. Except as otherwise provided herein, the members' terms and qualifications, and any other duties and scope of the Citizens Oversight Committee, shall be established by the City Council.

(c) All funds in the Street Repair Revenue Account shall be used exclusively for Street Repair Costs, and not for any other Special Purpose Activity or any other governmental purpose.

(d) All funds in the Convention Center Revenue Account shall be used exclusively for Convention Center Expansion and Modernization Costs, Convention Center Operating Costs, Convention Center Support Costs, and Convention Center Business Development Costs, and not for any other Special Purpose Activity or any other governmental purpose.

(e) The City Council may amend this Division to clarify the scope of Special Purpose Activities, to clarify the manner of collection of the Additional Tax (or the collection of any Additional Tax Component, if Section 35.0201, subdivision(b) is triggered or to clarify the use of funds in any Revenue Account, so long as:

(i) the ordinance is not inconsistent with the purpose and intent of the Additional Tax as described in both this Division and the voter-approved ordinance adopting it;

(ii) the ordinance does not in any way change the nature of the Special Purpose Activities or increase the Additional Tax;

(iii) the ordinance does not change the percentage of Additional Tax Revenues allocated toward each Special Purpose Activity under Section 35.0203(b) except as permitted under Sections 35.0202(b) and 35.0203(c); and,

(iv) the ordinance does not allow the transfer of any funds from one Revenue Account to another Revenue Account.

#### **§35.0205 Expenditure Restrictions**

The Additional Tax Revenues shall not be subject to the expenditure restrictions set forth in Section 35.0101 or Sections 35.0128 through 35.0133, inclusive, but instead shall be subject to the expenditure restrictions of this Division. Given that the Additional Tax has been proposed by local citizens as an initiative and approved by the local electorate, and is restricted transient occupancy tax revenue, the Additional Tax Revenues shall not be subject to any provisions of San Diego Charter section 77.1 related to the City's Infrastructure Fund because they are Exempt Revenues as defined in that section.

#### **§35.0206 Annual Budgets**

(a) Commencing with the Fiscal Year 2019–2020 annual budget, and continuing in each successive fiscal year until all funds in the Revenue Accounts have been exhausted, the Mayor shall propose, and the City Council shall approve (with any modifications that the City Council deems appropriate), an itemized annual budget for the expenditure of funds in each of the Revenue Accounts in a manner consistent with this Section and Section 35.0204. A budget need not authorize expenditure of all available funds in the upcoming fiscal year and may reserve any portion of a Revenue Account to promote effective long-term fiscal planning of the applicable Special Purpose Activities or for other purposes consistent with the Special Purpose Activities.

(b) In accordance with its budgeting authority under Section 11.1 of the City Charter, the City Council's allocation concerning the portion of each annual budget relating to the Convention Center may in the Council's discretion reflect the following expenditure priorities, in descending order of importance:

(i) Convention Center Expansion and Modernization Costs, utilizing Construction Manager At-Risk or any other contracting method consistent with Section 20175 of the California Public Contract Code as adopted by Chapter 821 of the Statutes of 2017 as it may hereafter be amended, including, but not limited to, servicing any outstanding Bonds.

(ii) Convention Center Operating Costs;

(iii) Convention Center Support Costs; and

(iv) Convention Center Business Development Costs.

(c) In accordance with its budgeting authority under Section 11.1 of the City Charter, the City Council's allocation concerning the portion of each annual budget relating to the Convention Center may in the Council's discretion reflect the following principles:

(i) the Convention Center Corporation shall expend Convention Center Annual Operating Revenues to fulfill the reasonable operational and capital needs of the Convention Center and to maintain a reasonable financial reserve for Convention Center Operations;

(ii) the Convention Center Corporation shall not incur expenditures for Convention Center Operations that are excessive or unnecessary in comparison to established industry standards for large convention facilities; and shall maintain labor peace among both its direct and contracted workforces, and continue to recognize the representatives, and their successors, of the represented workforce at the facility, to reduce the risk of operational disruptions and revenue loss; and

(iii) the Convention Center Corporation shall not accumulate a total financial reserve for Convention Center Operations that is unreasonably high in comparison to established industry standards for large convention facilities.

(d) Unless reasonably necessary to address emergency situations or unforeseen circumstances associated with operation of the permanent dewatering system at the Convention Center, the City Council may in its discretion use its budgeting authority under Section 11.1 of the City Charter such that the portion of the annual budget relating to Convention Center Support Activities includes a funding allocation of no greater than \$4.5 million for Fiscal Year 2019–2020 and thereafter should be not more than 5 percent more than the previous year's appropriation.

(e) In accord with its budgeting authority under Section 11.1 of the City Charter, the City Council's allocations concerning the portion of the annual budget relating to Convention Center Business Development Programs may include a funding allocation of no greater than \$4.5 million for Fiscal Year 2019–2020, and thereafter increase no more than 5 percent from the previous year's appropriation.

### **§35.0207 Five-Year Implementation Plans**

(a) In Fiscal Year 2019-2020 and every five years thereafter until all funds in the Homelessness Revenue Account have been exhausted, the Mayor shall propose, and the City Council shall approve (with any modifications that the City Council deems appropriate), a five-year implementation plan describing how the City will allocate existing and projected funds in the Homelessness Revenue Account to specific Homelessness Programs and identifying the order of priority among those Homelessness Programs. Respecting the Council's budget authority under Section 11.1 of the Charter, voters express their intention that homeless expenditures reflect a considered, long-term strategy to address homelessness. The Council may implement the Community Plan proposed by the Regional Taskforce on the Homeless or other similar long-term plans for addressing homelessness developed before or after the imposition of the Additional Tax. The Affordable Housing shall be prioritized for Extremely Low Income and Very Low Income households as defined by the U.S. Department of Housing and Urban Development. Commencing in Fiscal Year 2021-2022, the City Council shall hold a public hearing during the second year of each five-year planning period to consider whether any amendments or updates to the plan are warranted.

(b) In Fiscal Year 2023-2024 and every five years thereafter until all funds in the Street Repair Revenue Account have been exhausted, the Mayor shall propose, and the City Council shall approve (with any modifications that the City Council deems appropriate), a five-year implementation plan describing how the City will allocate existing and projected funds in the Street Repair Revenue Account to specific Street Repairs and identifying the order of priority among those Street Repairs. Commencing in Fiscal Year 2025-2026, the City Council shall hold a public hearing in the second year of each five-year planning period to consider whether any amendments or updates to the plan are warranted.

### **§35.0208 Annual Reports for Additional Tax Revenues**

(a) Within 270 days after the close of each fiscal year (commencing in Fiscal Year 2019-2020 with respect to the close of Fiscal Year 2018-2019), and continuing in each successive fiscal year until all funds in the Revenue Accounts have been exhausted, the Chief Financial Officer shall retain an independent auditor to submit to the City Council an annual report describing:

- (i) the Additional Tax Revenues collected by the City during the fiscal year, itemized by each of the Additional Tax Components;
- (ii) the Additional Tax Revenues expended by the City for Special Purpose Activities during the fiscal year, itemized by each of the Additional Tax Components; and
- (iii) the status of all Special Purpose Activities required or authorized to be funded by Additional Tax Revenues, consistent with the annual budget approved by the City Council for the fiscal year.

(b) Each report shall be included as an information item on the City Council's agenda within 60 days after the Chief Financial Officer submits the report to the City Council.

### **§35.0209 Performance Audits**

(a) The City Auditor shall conduct a performance audit of each Revenue Account in accordance with San Diego Charter Section 39.2, as follows:

- (i) Commencing in Fiscal Year 2022-2023, and continuing with respect to each successive three-year period until all funds in the Homelessness Revenue Account have been exhausted, the City Auditor shall conduct a performance audit of Special Purpose Activities funded by the Homelessness Revenue Account.
- (ii) Commencing in Fiscal Year 2023-2024, and continuing with respect to each successive three-year period until all funds in the Street Repair Revenue Account have been exhausted, the City Auditor shall conduct a performance audit of Special Purpose Activities funded by the Street Repair Revenue Account.
- (iii) Commencing in Fiscal Year 2024-2025, and continuing with respect to each successive three-year period until all funds in the Convention Center Revenue Account have been exhausted, the City Auditor shall conduct a performance audit of Special Purpose Activities funded by the Convention Center Revenue Account.

(b) Each performance audit shall determine whether that expenditures were made and Special Purpose Activities conducted in accordance with this Division. The City Auditor shall issue to the City Council a written report of each performance audit. Upon the City Council's request, the City Auditor shall present the results of any performance audit during a public meeting of the City Council or a Council Committee.

### **§35.0210 Authorization of Debt and Issuance of Bonds**

(a) The City is authorized to issue and sell Bonds, from time to time, payable from and secured by the Additional Tax Revenues attributable to the Homelessness Program Tax Component, to fund Homelessness Program Costs.

(b) The City is authorized to issue and sell Bonds payable from and secured by the Additional Tax Revenues attributable to the Street Repair Tax to fund Street Repair Costs.

(c) The City is authorized to issue and sell Bonds payable from and secured by the Additional Tax Revenues attributable to the Convention Center Tax Component, to fund Convention Center Expansion and Modernization Costs.

(d) The maximum bonded indebtedness for Bonds issued pursuant to this Section for Homelessness Program Costs, including financing costs, shall not exceed the lesser of the Additional Tax Revenues attributable to the Homelessness Program Tax Component, projected over the life of those Bonds, and \$750,000,000.

(e) The maximum bonded indebtedness for Bonds issued pursuant to this Section for Street Repair Costs, including financing costs, shall not exceed the lesser of the Additional Tax Revenues attributable to the Street Repair Tax Component, projected over the life of those Bonds and \$400,000,000.

(f) The maximum bonded indebtedness for Bonds issued pursuant to this Section for Convention Center Expansion and Modernization Costs, including financing costs, shall not exceed the lesser of (i) the Additional Tax Revenues attributable to the Convention Center Tax Component, projected over the life of those Bonds and (ii) \$850,000,000 provided, however, that the City Council may lift that latter, \$850,000,000, cap by a resolution adopted after a noticed public hearing.

(g) All of the Bonds authorized to be issued pursuant to this Section shall be limited obligations of the City payable solely from the Additional Tax Revenues attributable to the pertinent Additional Tax Component. Notwithstanding the foregoing, the City may, but is not obligated to, supplement Additional Tax Revenues with other legally available funds to make payments on the Bonds. The issuance of Bonds pursuant to this Section shall not directly, indirectly, or contingently obligate the City to levy or pledge any form of taxation other than the Additional Tax.

(h) Upon the issuance and sale of any such Bonds, the Chief Financial Officer shall establish an account into which the proceeds of those Bonds will be deposited. Separate accounts shall be established for Bonds issued for each specific purpose identified in this Section.

(i) As long as any proceeds of such Bonds remain unexpended, the Chief Financial Officer shall report in writing to the City Council no later than 270 days after the close of each year, commencing upon the issuance of any Bonds: (1) the proceeds of Bonds received and expended in that year, and (2) the status of any Special Purpose Activities funded or to be funded from proceeds of those Bonds. Such report may relate to calendar year, fiscal year, or other appropriate annual period as the Chief Financial Officer may determine, and may be incorporated into, or presented with, the City's annual budget, the City's audited annual financial statements, or another report to the City Council.

(j) Bonds authorized by this Section shall be issued and shall mature at such time or times not to exceed forty (40) years, and shall bear interest at such fixed or variable rate or rates approved by the City Council, but not to exceed the maximum rate permitted by law. Bonds authorized by this Section shall be sold at either public or private sale and for such prices as the City shall determine.

(k) The voters intend their approval of this Division to approve the Bonds authorized by this Section and understand that San Diego Charter Section 90.1 applies to the City Council and other City officials but not to the voters under the analysis of California Cannabis Coalition v. City of Upland (2017) 3 Cal.5th 924 and other applicable law. Should a court of competent jurisdiction determine that Bonds authorized by this Section are governed by Charter Section 90.1, the voters express their desire that the City Council exercise its authority under that Section 90.1 to approve those Bonds.

(l) The authority to issue Bonds in this Section is not exclusive and is not intended to prevent the City from entering into any Financing Agreement or using any other legal mechanism to finance any Special Purpose Activities.

(m) The City is authorized to issue Bonds to replace or refund Bonds issued pursuant to this Section.

#### **§35.0211 Definitions**

(a) The terms defined in Section 35.0102 shall apply to this Act and are italicized in this Division for emphasis.

(b) In addition, the following definitions are applicable to this Act:

"Additional Tax" means the special tax levied by this Division consisting of three components: the Homelessness Program Tax Component, the Street Repair Tax Component, and the Convention Center Tax Component.

"Additional Tax Components" means, collectively, the Convention Center Tax Component, the Street Repair Tax Component, and the Homelessness Program Tax Component.

"Additional Tax Revenues" means revenues derived from the Additional Tax collected by the City Treasurer.

"Affordability Covenant" means a restrictive covenant that imposes income eligibility requirements and rental amount restrictions on a residential dwelling unit and remains in effect for the City's benefit for the longest feasible time, which shall not be less than 55 years.

"Affordable Housing" means any dwelling unit subject to an Affordability Covenant and available for rental occupancy, whether on a transitional or long-term basis, by a Targeted Rental Household at an annual cost that, together with estimated annual utility expenses, does not exceed thirty percent (30%) of that household's annual income, subject to any deductions or exclusions from annual income allowable by the U.S. Department of Housing and Urban Development.

"Bonds" means debt instruments, taxable or tax-exempt revenue bonds (including, without limitation, transient occupancy tax revenue bonds), notes, debentures, or other similar financial instruments payable from Additional Tax Revenues and authorized by this Division.

"Convention Center" means the San Diego Convention Center generally located in the area bounded on the South by San Diego Bay and bounded on the North by the Santa Fe Railway easement at the time of passage of this citizen initiative measure as well as land included in any future contiguous extensions of the Convention Center.

"Convention Center Annual Operating Revenues" means annual revenues collected by the Convention Center Corporation with respect to the management, marketing, and operation of the Convention Center, as disclosed in an annual financial report or similar report prepared by or on behalf of the Convention Center Corporation.

"Convention Center Business Development Costs" means all costs and expenses associated with the establishment, implementation, operation, and completion of Convention Center Business Development Programs, including, but not limited to, the payment of all staff, consultant, and legal expenses reasonably necessary to effectuate all or any part of Convention Center Business Development Programs. Convention Center Business Development Costs shall exclude all Convention Center Support Costs.

"Convention Center Business Development Programs" means, collectively, rent credits, discounts on service charges (e.g., food and beverage charges or telecommunications charges), and similar customer incentives to secure convention and trade show commitments at the Convention Center, and direct marketing at meeting planner conventions or trade shows aimed at promoting the Convention Center.

"Convention Center Corporation" means the San Diego Convention Center Corporation, or its assignee or successor-in-interest, to the extent that such entity has primary, day-to-day responsibility for Convention Center Operations.

"Convention Center Expansion and Modernization Costs" means all costs and expenses associated with the financing, acquisition of land or right of way to enable construction, permitting, design, development, and construction of the Convention Center Improvements, including, but not limited to, payment of land or site acquisition costs reasonably necessary to effectuate the Convention Center Improvements, payment of debt service obligations on one or more series of Bonds issued to finance or refinance Convention Center Improvements (including the establishment and, where necessary, replenishment of any reserves required under the documents governing such Bonds), and the payment of all staff, consultant, and legal expenses reasonably necessary to effectuate the Convention Center Improvements.

"Convention Center Improvements" means the contiguous (meaning physically connected to the existing Convention Center) expansion of the Convention Center, all associated infrastructure or improvements, as well as any additional capital improvements to modernize the Convention Center, consistently with the applicable land use planning documents, as amended from time to time, that govern the Convention Center and improvements to the Convention Center, which may include, but are not necessarily limited to, the San Diego Unified Port District's Port Master Plan and any applicable coastal development permit.

"Convention Center Long-Term Expansion Bonds" means an initial series of long-term Bonds issued to fund Convention Center Improvements.

"Convention Center Operating Costs" means all costs and expenses associated with Convention Center Operations, including the funding of appropriate capital reserve accounts for the Convention Center, the funding of reserve accounts to pay the anticipated costs of issuance of the Convention Center Long-Term Expansion Bonds, and the payment of debt service or related lease payments associated with existing debt for capital improvements at the Convention Center. Convention Center Operating Costs shall exclude all Convention Center Support Costs.

"Convention Center Operations" means the maintenance, operation, and repair of the Convention Center, as such facility may be expanded and modernized through the Convention Center Improvements, so as to maintain the Convention as a first-class, visitor-serving facility in a safe, usable condition and so the Convention Center can achieve and maintain a Facility Condition Index that meets or exceeds the standard of a good physical condition and to provide a visitor-serving experience that remains competitive in the convention market among cities comparable in size to San Diego. If the construction industry ceases to publish or commonly use the Facility Condition Index to assess the physical condition of a facility or building, the Mayor may rely upon any alternative publication or metric the Mayor deems to be an objectively reasonable indicator of the condition of the Convention Center. Convention Center Operations shall exclude all Convention Center Support Activities.

"Convention Center Revenue Account" means a special revenue account that is hereby created in the City treasury, to account for the City's proceeds of the Convention Center Tax Component.

"Convention Center Support Activities" means, collectively, the Convention Center Corporation's operation of a permanent dewatering system to alleviate hydrostatic pressure on the foundation of the Convention Center and the Convention Center Corporation's efforts to market and promote the Convention Center as a visitor destination.

"Convention Center Support Costs" means annual support payments by the City to the Convention Center Corporation for Convention Center Support Activities.

"Convention Center Tax Component" means the portion of the Additional Tax intended to fund Convention Center Expansion and Modernization Costs, Convention Center Operating Costs, Convention Center Support Costs, and Convention Center Business Development Costs, as described in Section 35.0204.

"Facility Condition Index" is described in the construction industry publication titled "Asset Lifecycle Model for Total Cost of Ownership Management" and used to measure the physical condition of a facility or building, and is expressed as a ratio of the cost of remedying deficiencies, as well as the cost of capital renewal requirements, to current replacement value. The benchmark is represented on a scale of zero to 100 percent, with higher percentages representing a poorer condition and lower percentages representing a better condition.

"Financing Agreement" means any lease agreement, installment sale agreement, irrevocable assignment, or other similar financing agreement or contract entered into by the City and payable from Additional Tax Revenues or other funds available to the City.

"Homeless Population" means: (i) vulnerable individuals and families who are present in the City and who do not have adequate permanent shelter or are at risk of losing access to adequate permanent shelter, such as: homeless veterans, homeless women and children, victims of domestic violence, senior citizens, individuals with disabilities, individuals with severe mental illness, or individuals with a chronic substance abuse disorder; or (ii) individuals and families who are present in the City who meet the definition of "homelessness" in the Homeless Emergency Assistance and Rapid Transition to Housing Act, as it may be amended from time to time.

"Homelessness Program Costs" means all costs and expenses associated with the financing, establishment, implementation, operation, and completion of Homelessness Programs, including, but not limited to, payment of debt service obligations on one or more series of Bonds issued to finance or refinance any Homelessness Programs (including the establishment and, where necessary, replenishment of any reserves required under the documents governing such Bonds), and the payment of all staff, consultant, and legal expenses reasonably necessary to effectuate any Homelessness Programs.

"Homelessness Program Tax Component" means the portion of the Additional Tax to be used for Homelessness Program Costs, as described in Section 35.0204.

"Homelessness Programs" means any of the following activities performed in the City: the financing (through a grant, loan, or other financial assistance), permitting, design, development, and construction of Affordable Housing (including payment of land acquisition costs and tenant relocation costs) and other capital projects and payment of related land acquisition costs to assist the Homeless Population or to prevent or reduce homelessness; rapid rehousing programs; transitional housing programs or facilities; permanent supportive housing programs or facilities; shared housing programs; homelessness prevention and diversion programs; programs, services, or facilities intended to increasing the use or receipt of available public benefits and subsidies by the Homeless Population; educational programs, job training, and related services or facilities intended to increase or subsidize the employment of the Homeless Population; the creation and operation of support services assessment centers, including the provision of temporary beds, bridge housing opportunities, and triage and assessment services intended to assist the Homeless Population; capacity building assistance for the Homeless Population; temporary shelter facilities, shower facilities, and other facilities used to provide supportive services or goods to, or otherwise benefit, the Homeless Population; mental health treatment, substance abuse treatment, counseling services, and related services or facilities intended to assist the Homeless Population; any other public benefits, goods, and services, including landlord incentive payments, rental vouchers, other subsidies used to pay rent or security deposits, community outreach services, and case navigation services, including street outreach, intended to assist the Homeless Population; the creation and operation of a regional homeless crisis response system that provides for centralized delivery of services intended to assist the Homeless Population; the purchase of a landowner's agreement to impose an Affordability Covenant on five or more residential dwelling units located on one or more contiguous taxable parcels, effectively converting those dwelling units from market-rate housing into Affordable Housing; and, any other capital improvements, programs, services, or activities that, in the Mayor's reasonable discretion, will assist in reducing, alleviating, or preventing problems or challenges frequently encountered by the Homeless Population that contribute to homelessness.

"Homelessness Revenue Account" means a special revenue account hereby created in the City treasury to account for the City's proceeds of the Homelessness Program Tax Component.

"Imposition Date" is January 1, 2019. This is the day the Additional Tax goes into effect.

"Overall Condition Index" means the benchmark developed by the U.S. Army Corps of Engineers and used by many jurisdictions nationwide to measure the general condition of publicly-maintained streets. This benchmark is represented by numerical values ranging from 0 to 100, with lower values representing poorer conditions and higher values representing better conditions. If the Overall Condition Index ceases to be used commonly by municipalities to assess the condition of public streets, the Mayor may rely upon any alternative publication or metric the Mayor deems to be an objectively reasonable indicator of the physical condition of City streets.

"Revenue Accounts" means, collectively, the Convention Center Revenue Account, the Street Repair Revenue Account, and the Homelessness Revenue Account.

"Special Purpose Activities" means, collectively, Convention Center Improvements, Convention Center Operations, Convention Center Support Activities, Convention Center Business Development Programs, Street Repairs, and Homelessness Programs.

"Street Repair Costs" means all costs and expenses associated with the financing, permitting, design, development, and construction of Street Repairs, including, but not limited to, the payment of debt service obligations on one or more series of Bonds issued to finance or refinance any Street Repairs (including the establishment and, where necessary, replenishment of any reserves required under the documents governing such Bonds), and the payment of all staff, consultant, and legal expenses reasonably necessary to effectuate any Street Repairs.

"Street Repair Revenue Account" means a special revenue account hereby created in the City treasury to account for the City's proceeds of the Street Repair Tax Component.

"Street Repair Tax Component" means the portion of the Additional Tax to be used for Street Repair Costs, as described in Section 35.0204.

"Street Repairs" means any of the following activities performed in the City, to the extent they will enable the City to achieve and maintain an Overall Condition Index of City streets that meets or exceeds the standard of a good physical condition: the repair and maintenance of streets, alleys, and bridges; street sweeping; the resurfacing and reconstruction of streets, including the use of slurry seal, paving, overlay, and inlay of asphalt, and the replacement of concrete; the striping and re-striping of streets; the widening of streets; the installation, repair, and maintenance of sidewalks, pedestrian paths, bikeways, curbs, guardrails, streetlights, traffic signals, street signs, street furniture, traffic calming measures, transit stops, and traffic signs; the installation, relocation, repair, and maintenance of utilities or stormwater infrastructure related to streets and public rights-of-way; the installation, repair, and maintenance of accessibility upgrades or improvements to streets and public rights-of-way in compliance with the Americans with Disabilities Act of 1990, as hereafter amended, and Title 24 of the California Code of Regulations, as hereafter amended; the installation of general street infrastructure and public right-of-way improvements; the maintenance, repair or improvements to landscaping and trees and parks, parkways and open space related to circulation; transportation demand management programs to manage and reduce traffic congestion by providing mobility options and encouraging the use of transportation alternatives; and, any similar projects, improvements, or activities that, in the Mayor's reasonable discretion, will enable the City to achieve and maintain an Overall Condition Index on City streets that meets or exceeds the standard of a good physical condition at all times.

"Targeted Rental Household" means any household as to which the combined annual gross income for all members does not exceed eighty percent (80%) of the area median income, adjusted for household size, published annually by the U.S. Department of Housing and Urban Development (HUD) for the San Diego Standard Metropolitan Statistical Area. If HUD ceases to publish the area median income figures, the Mayor may rely upon any alternative publication or data source the Mayor deems to be an objectively reasonable indicator of the local area median income.



"Tax Allocation Triggering Event" means a circumstance, commencing no earlier than twenty years after the Additional Tax is first imposed, in which the Mayor and a majority of the board of directors of the Convention Center Corporation agree that, after accounting for payment of anticipated Convention Center Expansion and Modernization Costs during an upcoming fiscal year, the fixed percentage of the Additional Tax Revenues that otherwise would be allocated to the Convention Center Tax Component under Section 35.0203(b) is expected to generate more funds than reasonably necessary to pay Convention Center Operating Costs, Convention Center Support Costs, and Convention Center Business Development Costs.

"Tax Zone 1" means two noncontiguous portions of the City, one of which is north of California State Route 56, and the other is south of California State Route 54, as depicted on the Tax Zone Map.

"Tax Zone 2" means a contiguous portion of the City that does not comprise Tax Zone 1 or Tax Zone 3, as depicted on the Tax Zone Map.

"Tax Zone 3" means a contiguous portion of the City located generally in the downtown area, as depicted on the Tax Zone Map, and more specifically described as the area east of West Laurel Street and south of Laurel Street through its intersection with Sixth Avenue, west of Sixth Avenue through its intersection with Interstate 5 Freeway, south of Interstate 5 Freeway through its intersection with B Street, south of B Street through its intersection with 22nd Street, west of 22nd Street through its intersection with Commercial Street, south of Commercial Street through its intersection with Ocean View Boulevard, west of Ocean View Boulevard through its intersection with Dewey Street, west of Dewey Street, and west of California State Route 75 (San Diego/Coronado Bridge).

"Tax Zone Map" refers to "Exhibit A" attached to this ordinance and incorporated herein by this reference which depicts Tax Zones 1, 2 and 3.

"Tax Zones" means, collectively, Tax Zone 1, Tax Zone 2, and Tax Zone 3.

### **§35.0212 Administration of the tax.**

(a) Consistency with Transient Occupancy Tax Rules.

The People of the City of San Diego intend this Division to be enforced consistently with Division 1 of Article 5 of Chapter 3 of this Code and any rule or regulation promulgated under that Division except as expressly provided to the contrary in this Division.

#### **Section 4. Amendment.**

(a) Except as otherwise expressly provided herein, this Measure may only be changed by the voters at a Citywide election.

(b) The City Council is authorized to amend this Division in any manner that does not alter the tax rate or constitute a tax increase for which voter approval is required by Article XIII C of the California Constitution. The People of the City affirm that the following actions shall not constitute an increase of the rate of a tax:

1. An action that interprets or clarifies the methodology of the Additional Tax, or any definition applicable to the Additional Tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Division; or
2. The collection of the Additional Tax, even if the City had, for some period of time, failed to collect the Additional Tax or to collect it in the amount imposed or authorized by this Division.

#### **Section 5. Conflicting Measures**

If this Measure and another measure that imposes a transient occupancy tax, or redirects the uses of existing transient occupancy taxes, appear on the same ballot; the provisions of the other measure shall be deemed to be in conflict with this Measure. If this Measure receives a greater number of affirmative votes than the measure deemed to be in conflict with it, the provisions of this Measure shall prevail in their entirety and the other measure shall be null and void in its entirety.

#### **Section 6. Severability**

If any provision of this Measure, or its application to any person or circumstance, is determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, that determination shall have no effect on any other provision of this Measure or the application of this Measure to any other person or circumstance and, to that end, the provisions of this Measure are severable.

**Section 7. Certification; Publication.** Upon approval by the voters, the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause it to be published according to law.

\*\*\*\*\*

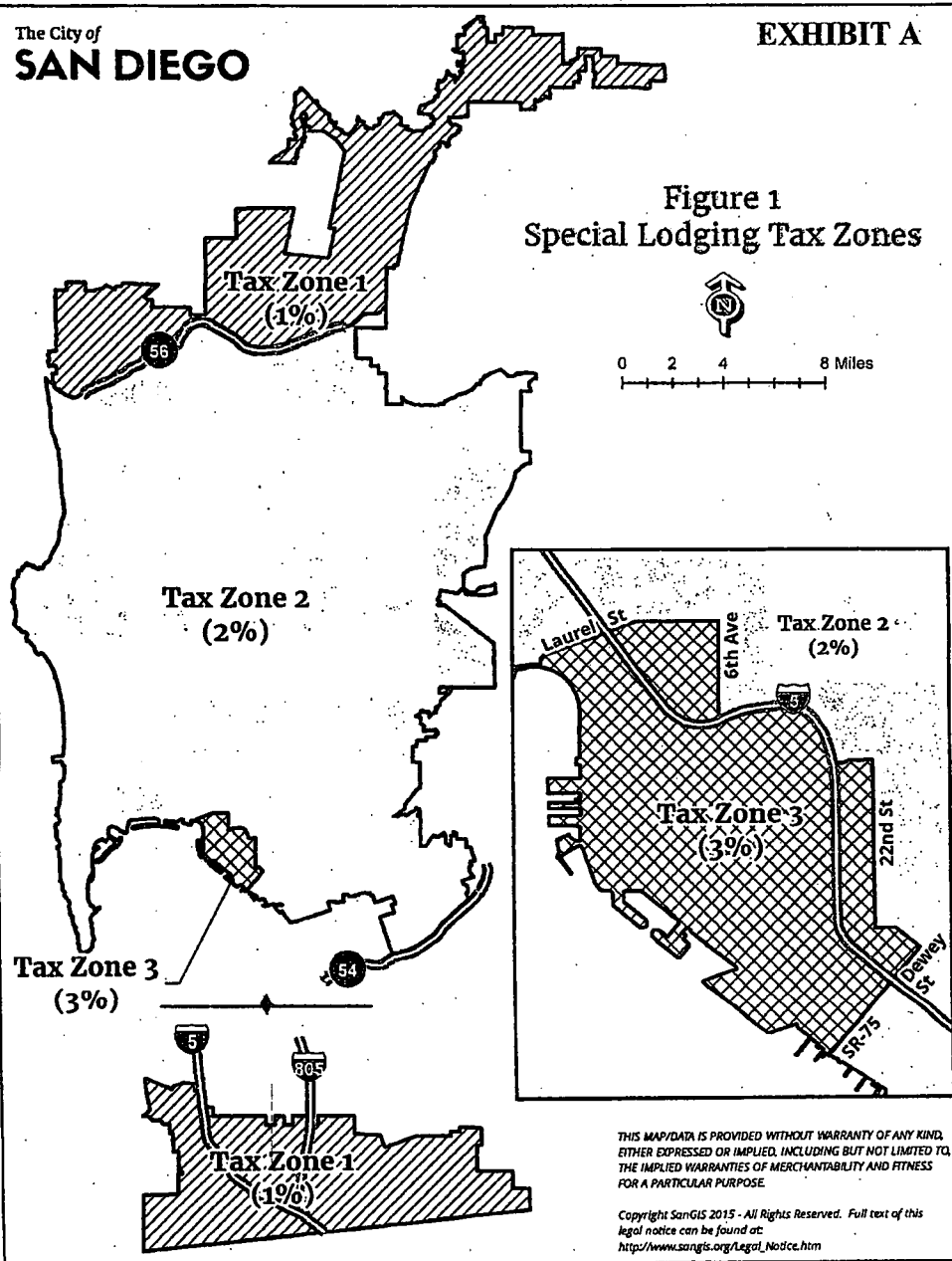
It is hereby certified that this Ordinance was duly adopted by the voters at the [date] Election and took effect 10 days following adoption of a resolution declaring the results of the election at a regular meeting of the City Council held on [date] by the following vote:

AYES:  
NOES:  
ABSENT:

ATTEST: ELIZABETH MALAND  
CITY CLERK  
CITY OF SAN DIEGO

BY: \_\_\_\_\_

**Figure 1  
Special Lodging Tax Zones**



**A STATEMENT OF THE REASONS FOR THE PROPOSED ACTION AS CONTEMPLATED IN SAID PETITION IS AS FOLLOWS:**

San Diego has long been a "world class destination city" for tourists and visitors. Tourism is one of the largest contributors to our economy. Revenues from visitor taxes, paid by overnight lodging guests, are the third largest source of revenue to the City.

Today, our tourism economy and local community are facing unprecedented challenges. Tourism and lodging leaders identified three factors diminishing San Diego's status as a desirable world class destination. They are: a spiraling homelessness crisis, city streets full of potholes and infrastructure in urgent need of repair, and outdated/inadequate convention and facilities. Together, these factors restrict the healthy expansion of the tourism economy and City revenues.

Yet, while "America's Finest City" today faces multiple challenges to our status as a world-class destination city, we have limited resources available to address these problems. These challenges threaten our City's reputation, quality of life, the health of our local economy, and our attractiveness to millions of visitors.

This measure will provide significant new revenues to address these challenges and secure San Diego's status as a world-class destination city. This measure will provide additional finding to: (1) reduce homelessness, (2) improve city streets, and (3) significantly expand visitor/tourist facilities—with revenues being raised from hotel visitors only.

San Diego's tourism and lodging leaders have thus joined with homeless advocates, community, and business leaders, to sponsor "For A Better San Diego" to address problems which are diminishing San Diego's stature as an attractive destination.

This measure will increase the overnight lodging tax paid by visitors to San Diego hotels which will generate hundreds of millions of dollars needed to address the leading problems affecting our status as a world class destination city.

Vote YES on this initiative to help San Diego secure its place as a world class destination city!

**INITIATIVE PROPONENTS' NAMES, SIGNATURES, ADDRESSES**

SIGNATURE: Father Joe Carroll DATE: 1-9-18  
Father Joe Carroll  
President Emeritus  
Father Joe's Village  
33 16<sup>th</sup> Street  
San Diego, CA 92101

SIGNATURE: Jaymie Bradford DATE: 1-9-18  
Jaymie Bradford  
Executive VP & COO  
San Diego Regional Chamber of Commerce  
402 West Broadway, Suite 1000  
San Diego, CA 92101

SIGNATURE: Bob McElroy DATE: 1-9-18  
Bob McElroy  
President & CEO  
Alpha Project  
3737 Fifth Avenue, Suite 203  
San Diego, CA 92103

SIGNATURE: Namara Mercer DATE: 1-9-18  
Namara Mercer  
Executive Director  
Hotel/Motel Association of San Diego  
1945 Quivira Way  
San Diego, CA 92109

SIGNATURE: Nicholas J. Segura DATE: 1-9-18  
Nicholas J. Segura  
Business Manager/Financial Secretary  
4545 Viewridge Avenue, Suite 100,  
San Diego, CA 92123

Passed by the Council of The City of San Diego on NOV 04 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input type="checkbox"/>	<input checked="" 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"/>
Vivian Moreno	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 04 2019

AUTHENTICATED BY:

(Seal)

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

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

By *[Signature]*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on NOV 04 2019, said ordinance being of the kind and character authorized for passage on its introduction by Section 275 of the Charter.

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 *[Signature]*, Deputy

<p>Office of the City Clerk, San Diego, California</p> <p>Ordinance Number O- <u>21143</u></p>
--