

RESOLUTION NUMBER R- 312186

DATE OF FINAL PASSAGE FEB 04 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE INCREASE OF USER FEES
FOR MONTH-TO-MONTH TIEDOWN TENANTS AT
MONTGOMERY-GIBBS EXECUTIVE AIRPORT.

WHEREAS, under Council Policy 100-05, changes to user fees in enterprise fund departments shall be proposed to the City Council as recommended by each responsible enterprise fund department; and

WHEREAS, the Real Estate Assets Department – Airport Division (Airports Division), an enterprise fund, is seeking to increase the user fees for month-to-month tiedown tenants at Montgomery-Gibbs Executive Airport (Airport) from \$0.11 per square foot to \$0.12 per square foot, effective as of July 1, 2019; and

WHEREAS, in 2018, the Airports Division conducted a user fee study to identify and recover all reasonable and allowable costs incurred in providing services for the month-to-month tiedown tenants at the Airport; and

WHEREAS, the Airports Division obtained a legal opinion on its increased user fee proposal from the Office of the City Attorney in light of Proposition 26; and

WHEREAS, approved by the voters in 2010, Proposition 26 amended articles XIII A and XIII C of the California Constitution to provide that a levy, charge, or exaction of any kind imposed, increased, or extended by a local government is a tax unless an exception applies; and

WHEREAS, exceptions to Proposition 26 include user fees; government service or product fees; regulatory fees; government property entrance fees; fines and penalties imposed by a court or local government; property development impact fees; and assessments and property-related fees governed by Proposition 218; and

WHEREAS, each Proposition 26 exception involves its own legal standard for determining the amount of a legally permissible fee; and

WHEREAS, user fees and regulatory costs in support of proposed user fee adjustments and additions may not exceed the reasonable costs of providing a service, product, or regulation which includes all reasonable direct and indirect expenses incurred by the City; and

WHEREAS, the Airport Division's staff report substantiates the validity of the proposed user fees increase by explaining the link between the cost and the services provided; and

WHEREAS, on November 14, 2018, the Budget and Government Efficiency Committee forwarded the Airports Division's proposed user fee increase to the City Council for consideration; NOW, THEREFORE,

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

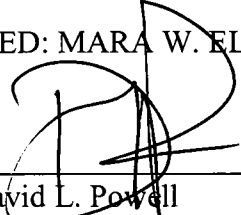
That the following user fee increase is adopted for the purpose of recovering costs incurred by the City of San Diego in providing services, goods, or regulation, or as otherwise permitted under articles XIII A and XIII C of the California Constitution:

- (1) The user fees for the month-to-month tiedown tenants at Montgomery-Gibbs Executive Airport shall be increased to \$0.12 per square foot.

BE IT FURTHER RESOLVED, that the proposed user fee increase shall be effective as of July 1, 2019.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to amend the Ratebook of City Fees and Charges maintained in the Office of the City Clerk to include the fees described above.

APPROVED: MARA W. ELLIOTT, City Attorney

By 

David L. Powell
Deputy City Attorney

DLP:jdf:jvg
01/09/19
Or.Dept: Real Estate Asset
Doc. No.: 1905920

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 29 2019.

ELIZABETH S. MALAND
City Clerk

By 

Deputy City Clerk

Approved: 2/4/19

(date)



KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JAN 29 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input 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 FEB 04 2019.

(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

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