

#103B  
2/23/21

RESOLUTION NUMBER R- 313445

DATE OF FINAL PASSAGE FEB 25 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING THE TRANSFER AND  
EXPENDITURE OF \$600,000 OF FUNDS FROM THE  
HABITAT ACQUISITION FUND (HAF) FOR EAST ELLIOTT.

WHEREAS, the City of San Diego (City) is the lead agency in the development of the Multiple Species Conservation Program (MSCP), having adopted the City's MSCP Subarea Plan in March 1997; and

WHEREAS, the MSCP is a comprehensive habitat conservation planning program which addresses multiple species habitat needs and the preservation of natural communities for an approximate 900 square mile area in southwestern San Diego County; and

WHEREAS, an objective of the MSCP is to conserve a connected system of biologically viable habitat lands in a manner that maximizes the protection of species and precludes the need for future listing of species as threatened or endangered; and

WHEREAS, a goal of the MSCP is to conserve biodiversity in the Multi-Habitat Planning Area (MHPA) and to achieve certainty in the land development process for both private sector and public section land development projects; and

WHEREAS, to date, 97% of required acreage has either been conserved or obligated for future conservation. Property acquired with this action would be managed by Park and Recreation Open Space Division for the long-term biological integrity of the land; and

WHEREAS, the proposed action would utilize \$600,000.00 from HAF to continue acquisitions of MHPA/open space property in the East Elliott area. The HAF was adopted on February 12, 1990 (R-275129) "for acquisition, maintenance, and administrative costs associated with the establishment of biological habitat preserves"; and

WHEREAS, monies are deposited in the HAF from development projects, where the area of impact is small, and mitigation on an individual project level would be onerous and not result in significant habitat acquisitions. Monies are accrued until sufficient funds are available to acquire parcels with core biological resources and/or wildlife linkages. Use of the HAF for mitigation is allowed pursuant to the Land Development Code section 143.0141(a)(1)(C), and the process to use the fund is further described in the Land Development Manual Biology Guidelines; NOW, THEREFORE,

BE IT RESOLVED, that the Chief Financial Officer, or their designee, is authorized to reduce the Capital Improvement Program budget and de-appropriate \$625,000 in Fund 200401, Habitat Acquisition Fund, from CIP AGE00001, Resource-Based Open Space Parks.

BE IT FURTHER RESOLVED, that the Chief Financial Officer, or their designee, is authorized to appropriate and expend \$600,000 from Fund 200401 (Habitat Acquisition Fund) for the acquisition of property within the MHPA in the East Elliott area for conservation, contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

APPROVED: MARA W. ELLIOTT, City Attorney

By Noah Brazier  
Noah J. Brazier  
Deputy City Attorney

NJB:mb  
February 2, 2021  
April 5, 2021 COR. COPY  
Or.Dep: Planning  
CC No. 3000013757  
Doc. No.: 2626353

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

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

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

\_\_\_\_\_  
TODD GLORIA, Mayor

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

\_\_\_\_\_  
TODD GLORIA, Mayor

(See attached Memo and signature page)

**Office of  
The City Attorney  
City of San Diego**

**MEMORANDUM**

**DATE:** April 7, 2021  
**TO:** City Clerk  
**FROM:** Noah J. Brazier  
**SUBJECT:** Correction to City Attorney Resolution No. 2021-326 (R-313445)

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The "Be It Resolved" language has been corrected in Resolution 2021-326, which the City Council passed as Item #103-B on February 23, 2021. The corrected language was omitted from the original resolution in error and its inclusion will allow the City Staff to effectuate the intent of this action as described in the staff report presented to Council. The "Be It Resolved" language of this resolution will now read:

"BE IT RESOLVED, that the Chief Financial Officer, or their designee, is authorized to reduce the Capital Improvement Program budget and de-appropriate \$625,000 in Fund 200401, Habitat Acquisition Fund, from CIP AGE00001, Resource-Based Open Space Parks.

BE IT FURTHER RESOLVED, that the Chief Financial Officer, or their designee, is authorized to appropriate and expend \$600,000 from Fund 200401 (Habitat Acquisition Fund) for the acquisition of property within the MHPA in the East Elliott area for conservation, contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer."

NJB:myb  
Doc. No.: 2626371  
Attachment

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 02/23/2021.

ELIZABETH S. MALAND  
City Clerk

By /s/ Stacy D. Ready  
Deputy City Clerk

Approved: 2/25/21  
(date)

  
TODD GLORIA, Mayor

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

\_\_\_\_\_  
TODD GLORIA, Mayor

The City of San Diego  
**COMPTROLLER'S CERTIFICATE**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING DEPT. 3000013757  
 NO. 1714

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \$625,000.00

Purpose: To authorize the reduction of Habitat Acquisition Fund (HAF) budget in the CIP program.

Date: January 19, 2021

By: DeJuan Lewis *DeJuan Lewis*  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
1	AGE00001	200401	NOT RELEVANT GRANT	512117	OTHR-0000000-CL	1714	1714151111	A-GE.00001	\$625,000.00
TOTAL AMOUNT									\$625,000.00

FUND OVERRIDE

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \_\_\_\_\_

Vendor: \_\_\_\_\_

Purpose: \_\_\_\_\_

Date: January 19, 2021

By: \_\_\_\_\_  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
1									
TOTAL AMOUNT									

Passed by the Council of The City of San Diego on FEB 23 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 25 2021

**(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:

TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 313445