

# 603  
05/23/2022

(R-2022-444)

RESOLUTION NUMBER R- 314121

DATE OF FINAL PASSAGE JUN 03 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO CONFIRMING THE FISCAL YEAR 2023  
BUDGET REPORTS FOR AND LEVYING ANNUAL  
ASSESSMENTS IN SPECIFIED PARKING AND BUSINESS  
IMPROVEMENT AREAS.

WHEREAS, in accordance with the Parking and Business Improvement Area Law of 1989 and/or its predecessor law (California Streets and Highways Code sections 36500-36551) (1989 Act), the following seventeen parking and business improvement areas were established by and in the City of San Diego to annually levy and collect assessments on businesses located within the specified areas to finance certain improvements and activities within such areas (each, a 1989 Act District and collectively, 1989 Act Districts):

1. Adams Avenue Business Improvement District (Ordinances O-16479; O-18087; O-19749);
2. City Heights Business Improvement District (Ordinance O-16918);
3. College Area Business Improvement District (Ordinances O-18263; O-18539);
4. Diamond Business Improvement District (Ordinances O-18262; O-18540);
5. East Village Business Improvement District (Ordinance O-19881);
6. El Cajon Business Improvement District (Ordinance O-16480);
7. El Cajon Boulevard Business Improvement District (Ordinance O-16919);
8. Gaslamp Quarter Business Improvement District (Ordinances O-15647; O-17664)
9. Hillcrest Business Improvement District (Ordinances O-16230; O-17340);

10. La Jolla Business Improvement District (Ordinances O-17458; O-17803);
11. Little Italy Business Improvement District (Ordinances O-18374; O-18541);
12. Mission Hills Business Improvement District (Ordinance O-17229);
13. North Park Business Improvement District (Ordinances O-16481; O-19780);
14. Ocean Beach Business Improvement District (Ordinance O-17248);
15. Old Town Business Improvement District (Ordinance O-18208);
16. Pacific Beach Business Improvement District (Ordinances O-18373; O-18542);  
and
17. San Ysidro Business Improvement District (Ordinance O-18612); and

WHEREAS, in accordance with the Parking and Business Improvement Area Law of 1965 (California Streets and Highways Code sections 36000-36081), that certain parking and business improvement area named the "Downtown Improvement Area" (Downtown District) was established by and in the City of San Diego (Ordinances O-10450; O-10774) to annually levy and collect assessments on businesses located within the specified area to finance certain improvements and activities within such area (the 1989 Act Districts and the Downtown District are sometimes each, individually, referred to in this Resolution as a District and, collectively, as the Districts); and

WHEREAS, the Council intends to continue the improvements and activities undertaken by each of the Districts; and

WHEREAS, as required by California Streets and Highways Code section 36533, the respective advisory board for each 1989 Act District submitted an annual report (Budget Report)

to the Council covering the time period commencing on July 1, 2022, and continuing through and including June 30, 2023 (Fiscal Year 2023); and

WHEREAS, the advisory board for the Downtown District submitted an annual Budget Report to the Council for Fiscal Year 2023; and

WHEREAS, on April 26, 2022, the Council adopted Resolution R314094, approving the Fiscal Year 2023 Budget Reports for each District; and

WHEREAS, on May 23, 2022, the Council conducted a public hearing, in accordance with California Streets and Highways Code section 36534(a)(6), and received public testimony and evidence regarding the levy of the proposed assessment in each 1989 Act District for Fiscal Year 2023; and

WHEREAS, the City traditionally enters into a District management agreement with the business or merchants association (Association) appointed by the Council as the advisory body for each respective District for each respective Association to manage the daily operations of its District; and

WHEREAS, effective May 22, 2018, the Council adopted Resolution No. R-311760, approving District management agreements with each Association, to be effective July 1, 2018 to June 30, 2019, with four (4) individual Fiscal Year extensions available, and approval of each individual Fiscal Year extension by the Council; and

WHEREAS, the existing extension is set to expire on June 30, 2022 and one (1) individual Fiscal Year extension remains in the existing District management agreements between the City and each respective Association appointed by the Council; and

WHEREAS, in response to continued concerns with accountability and transparency in the management of the Districts, the Council desires to amend the final Fiscal Year extension to six (6) months, with a six (6) month option to renew, which renewal shall be at the sole discretion of the City; NOW, THEREFORE,

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

1. The Fiscal Year 2023 Budget Report for each District, including a description of the specific District, the boundaries of the District and any benefit zones within the District, the proposed assessments to be levied upon businesses within the District, and the improvements and activities to be undertaken within the District during Fiscal Year 2023, is confirmed, as on file at the Office of the City Clerk with reference to the following document numbers:

<b><u>Business Improvement District</u></b>	<b><u>Document No.</u></b>
Adams Avenue	RR- <b><u>314094</u></b> -1
City Heights	RR- <b><u>314094</u></b> -2
College Area	RR- <b><u>314094</u></b> -3
Diamond	RR- <b><u>314094</u></b> -4
Downtown	RR- <b><u>314094</u></b> -5
East Village	RR- <b><u>314094</u></b> -6
El Cajon	RR- <b><u>314094</u></b> -7
El Cajon Boulevard	RR- <b><u>314094</u></b> -8
Gaslamp Quarter	RR- <b><u>314094</u></b> -9
Hillcrest	RR- <b><u>314094</u></b> -10
La Jolla	RR- <b><u>314094</u></b> -11

Little Italy	RR- <u>314094</u> - 12
Mission Hills	RR- <u>314094</u> - 13
North Park	RR- <u>314094</u> - 14
Ocean Beach	RR- <u>314094</u> - 15
Old Town	RR- <u>314094</u> - 16
Pacific Beach	RR- <u>314094</u> - 17
San Ysidro	RR- <u>314094</u> - 18

2. The adoption of this Resolution constitutes the continued levy of assessments on businesses located within each 1989 Act District during Fiscal Year 2023, to finance the improvements and activities set forth in the respective Fiscal Year 2023 Budget Report for each 1989 Act District.

3. The adoption of this Resolution confirms the continued levy of assessments on businesses located within the Downtown District during Fiscal Year 2023, to finance the improvements and activities set forth in the Fiscal Year 2023 Budget Report for the Downtown District.

4. The City's Chief Financial Officer or designee is authorized to appropriate, transfer, and expend assessment revenues within each District's fund for administration and operation of that District in accordance with the approved Fiscal Year 2023 Budget Report for that District, including the "Fund Balance" and "Interest Fund Balance" from Fiscal Year 2022 at year end and the anticipated District assessments to be collected in Fiscal Year 2023, contingent upon the Chief Financial Officer certifying that funds are available.

5. The fourth amendment to each Fiscal Year 2019 District management agreement (each, a Fourth Amendment) with each respective Association appointed by the Council as the

advisory body for each District for management of daily District operations is approved, with the six (6) month extension, and a six (6) month renewal within the City's sole discretion.

6. The Mayor or designee is authorized but not directed to sign, on the City's behalf, each Fourth Amendment and any and all documents necessary and appropriate to implement each Fourth Amendment. A copy of each Fourth Amendment, when signed by the representatives of the City and the respective Association and approved by the City Attorney, shall be placed on file with the City Clerk as follows:

<u>Business Improvement District</u>	<u>Document No.</u>
Adams Avenue	RR- <u>314121-1</u>
City Heights	RR- <u>314121-2</u>
College Area	RR- <u>314121-3</u>
Diamond	RR- <u>314121-4</u>
Downtown	RR- <u>314121-5</u>
East Village	RR- <u>314121-6</u>
El Cajon	RR- <u>314121-7</u>
El Cajon Boulevard	RR- <u>314121-8</u>
Gaslamp Quarter	RR- <u>314121-9</u>
Hillcrest	RR- <u>314121-10</u>
La Jolla	RR- <u>314121-11</u>
Little Italy	RR- <u>314121-12</u>
Mission Hills	RR- <u>314121-13</u>
North Park	RR- <u>314121-14</u>
Ocean Beach	RR- <u>314121-15</u>

Old Town

RR-314121-16

Pacific Beach

RR-314121-17

San Ysidro

RR-314121-18

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Marguerite E. Middaugh  
Marguerite E. Middaugh  
Deputy City Attorney

MEM:jdf  
03/08/2022  
Or.Dept: Economic Development  
Doc. No.: 2911212

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 23 2022.

ELIZABETH S. MALAND  
City Clerk

By Connie Patterson  
Deputy City Clerk

Approved: 6/2/22  
(date)

Todd Gloria  
TODD GLORIA, Mayor

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

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

Passed by the Council of The City of San Diego on MAY 23 2022, 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 JUN 03 2022.

**(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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 314121