

#56
4/19/24
(O-2024-69)

ORDINANCE NUMBER O- 21788 (NEW SERIES)

DATE OF FINAL PASSAGE APR 22 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO (I) AUTHORIZING AN EXTENSION OF THE OPERATING AGREEMENT WITH CIVIC SAN DIEGO; AND (II) APPROVING AN AMENDMENT TO THE OPERATING AGREEMENT PROVIDING A SECOND FIVE-YEAR OPTION.

WHEREAS, Civic San Diego (Civic), a California nonprofit public benefit corporation separate from the City of San Diego (City), performs City-wide special projects and economic development, certain functions related to the wind-down of redevelopment, permitting, planning and public works for downtown, and management of the downtown parking district; and

WHEREAS, pursuant to San Diego Ordinance No. O-21082, the City Council (Council) approved an Operating Agreement pursuant to which Civic provides services to the City for certain wind-down and reporting activities required by the State legislature following its adoption of legislation dissolving redevelopment agencies across the State; and

WHEREAS, the Operating Agreement between City and Civic will expire on August 13, 2024; and

WHEREAS, the City desires to exercise its option to extend the term of the Operating Agreement for an additional 5 years in accordance with section 1.2 of the Operating Agreement; and

WHEREAS, the City further desires to amend the Operating Agreement to provide for a second 5-year option to the City to be exercised at the City's sole discretion; and

WHEREAS, subject to certain exceptions, San Diego Charter section 99 (Section 99) generally provides that no contract, agreement, or obligation creating City indebtedness and extending for a period of more than five years may be authorized except by an ordinance adopted by a two-thirds majority of the City Council; and

WHEREAS, the amendment extends the term of the Operating Agreement beyond five years and does not fit within any recognized exception to Section 99, and therefore, is subject to Section 99; and

WHEREAS, the Office of the City Attorney has drafted this Ordinance based on the information provided by City staff, including information provided by affected third parties and verified by City staff with the understanding that this information is complete, true, and accurate;

NOW, THEREFORE,

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

Section 1. The extension of the Operating Agreement for an additional five years until August 12, 2029, is authorized for the purposes of allowing Civic to complete its wind-down of redevelopment activities.


Section 2. The Mayor or designee is authorized to execute the amendment and to take any and all actions necessary and appropriate to implement the amended Operating Agreement.

Section 3. The Chief Financial Officer is authorized to appropriate and expend an amount anticipated not to exceed \$15,000,000 for Civic's services provided to City under the amended Operating Agreement, contingent upon the Chief Financial Officer's furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

Section 4. A full reading of this Ordinance is dispensed with prior to its passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 5. This Ordinance shall take effect and be in force on the thirtieth day from and after the date of its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Michael J. Park
Deputy City Attorney

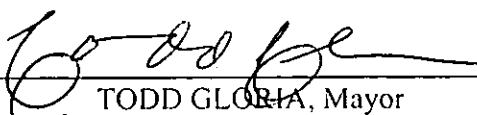
MJP:nja
01/09/2024
Or. Dept: Civic San Diego
Doc. No. 3524781

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of APR 09 2024.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 4/22/24
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on APR 09 2024, 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"/> |
| Henry L. Foster III | <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"/> |
| Kent Lee | <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 APR 22 2024

AUTHENTICATED BY:

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

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristine Medina, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAR 12 2024, and on APR 22 2024

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)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristine Medina, Deputy

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| Office of the City Clerk, San Diego, California |
| 21788 |
| Ordinance Number O-_____ |