

ORDINANCE NUMBER O- 21800 (NEW SERIES)

DATE OF FINAL PASSAGE APR 29 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SECOND AMENDMENT TO MARKETING PARTNERSHIP AGREEMENT WITH TOYOTA MOTOR SALES U.S.A., INC. AND THE SAN DIEGO COUNTY TOYOTA DEALERS ADVERTISING ASSOCIATION.

WHEREAS, the City of San Diego (City) has established the Corporate Partnerships and Development Program to generate cash and in-kind resources for the City through marketing partnerships with the corporate community; and

WHEREAS, Toyota Motor Sales, U.S.A., Inc. is in the business of importing, marketing, and distributing Toyota and Lexus brand motor vehicles; and

WHEREAS, the San Diego County Toyota Dealers Advertising Association is in the business of promoting the sale of Toyota brand motor vehicles on behalf of Toyota Dealers located in San Diego County, California; and

WHEREAS, in 2016, the City entered into an agreement with Toyota Motor Sales U.S.A., Inc. and the San Diego County Toyota Dealers Advertising Association (together, "Toyota") for a term of up to ten years, by which the City granted certain marketing rights and benefits to Toyota in exchange for the donation of new Toyota brand motor vehicles for use by the City's lifeguards (Agreement); and

WHEREAS, in 2019, the City and Toyota amended the Agreement to modify the vehicle renewal schedule and add certain maintenance requirements; and

WHEREAS, the City has negotiated a second amendment to the Agreement (Second Amendment) to add three vehicles to the existing fleet for the City's lifeguards in exchange for the City assuming the cost and responsibility of preventative maintenance and non-warranty repairs for the remaining two years in the term of the Agreement; and

WHEREAS, under San Diego Charter section 99, a two-thirds vote of the Council is required for passage of this ordinance; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided 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 Mayor is authorized to enter into and sign, on behalf of the City, the Second Amendment.

Section 2. The Chief Financial Officer is authorized to expend an amount not to exceed \$592 per vehicle monthly for preventative maintenance, covered by San Diego Fire-Rescue usage fees, Fund: 100000, Business Area: 1912 and Cost Center: 1912121101, contingent on the adoption of the Appropriation Ordinance for the applicable fiscal year.

Section 3. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By Marguerite Middaugh
Marguerite Middaugh
Deputy City Attorney

MEM:jdf
03/21/2024
Or. Dept.: Corporate Partnership
Doc No.: 3600059

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of APR 22 2024.

DIANA J.S. FUENTES City Clerk

By Krystell Medina for Connie Patterson
Deputy City Clerk

Approved: 4/26/24
(date)

Todd Gloria
Todd Gloria, Mayor

Vetoed: _____
(date)

Todd Gloria, Mayor

(Note: The date of final passage is April 29, 2024, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

Passed by the Council of The City of San Diego on APR 22 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 29 2024

AUTHENTICATED BY:

(Seal)

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

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

By Connie Patterson, 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

APR 09 2024, and on APR 29 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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21800</u>