

Jenkins, Denise

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CITY CLERK'S OFFICE

From: John Stump [jwstump@cox.net]
Sent: Tuesday, June 03, 2014 2:46 PM
To: Jenkins, Denise; CLK City Clerk
Cc: Maland, Elizabeth; Stone, Bonnie; SDAT City Attorney; AUD City Auditor
Subject: OUR PARK, OUR JEWELL - park funding Ballot Proposition
Attachments: Balboa Park for park purposes.docx

14 JUN -3 PM 2:59

SAN DIEGO, CALIF.

Dear Ms. Jenkins,

Attached is a ballot proposal pertaining to Balboa Park in the form of a Charter Amendment, for placement on an upcoming Economic Development and Intergovernmental Relations Committee meeting agenda pursuant to Council Policy (CP) 000-21.

Please acknowledge receipt and inform me of any additional steps my group need to do to perfect this submission.

All the Best

John Stump, Principal Attorney
Institute for Administrative Law and Justice
Brown Building
4133 Poplar
City Heights, California 92105
Office: 619-281-7394 or Home: 619-281-4688

OUR PARK, OUR JEWELL – park funding

Shall the Charter of the City of San Diego be amended to provide funding for Balboa Park? The amendment is modeled after the funding reserves established for Mission Bay. Balboa Park has significant infrastructure demands to address, now. Community cohesion and neighborhood access to Balboa Park from the San Diego Bay and River has been disrupted by the construction and operation of several freeways and the street and rail systems. Pending major new projects can further disrupt this cohesion or present opportunities to improve park access and gain park land and facilities.

Predictions for neighborhood residential population growth, surrounding Balboa Park, suggest the need for increased park land, facilities, and access. SANDAG estimates that the resident population of Downtown will increase by some 149% or by some 60,000 residents by 2050. The residential population, of the six Balboa Park adjacent Zip codes, is projected to increase by some 158,000 residents. The demands on Balboa Park, as a neighborhood park, will grow significantly over the next generation.

Fiscal Impact: The proposition would not increase taxes. An existing tax has raised approximately \$10.5 million dollars per year for the exclusive use of the private admission based Zoo Global Corporation to supplement its' maintenance of the San Diego Zoo. The proposition would make the current tax funding available to maintain all of Balboa Park. The Zoo would continue to be eligible for funding. The Zoo Global has had exclusive use of these tax funds for nearly 80 years.

Passage of this proposition would more than double the amount of funds available for Balboa Park. The Council will continue to be able to budget funding for Balboa Park from the general fund and other sources. Under this proposition Charter section 77a funds will contribute to maintenance of Balboa Park. The Charter's provisions for Council and Mayor oversight and control would continue and the general provisions of the Charter would continue to apply to this section.

Analysis: This proposition would require a two thirds vote of the electorate to be enacted. If the proposition fails the current tax and its exclusive use for only Zoological Exhibits would continue. Information concerning the continued need for these tax funds and documentation concerning the actual use of past funds was presented in the May 2013 City of San Diego Performance Audit of concerning these funds and at the July 29th, 2014 Council hearing on that fund. The actual ballot proposition and charter changes are presented below. Changes are presented by ~~strike through~~ and new language is presented in *bold italic*

Section 77a: Provisions for *Balboa Park* Zoological Exhibits

The Council shall levy annually, in addition to all other taxes provided for in this Charter, not less than two cents (\$0.02) on each one hundred dollars (\$100.00) of the assessed valuation of the real and personal property within the City, to be used exclusively for ~~the maintenance in~~ Balboa Park's maintenance and improvement. ~~of zoological exhibits.~~

The people establish a Balboa Park Access Zone for the purpose of improving neighborhood access to Balboa Park. The Balboa Park Access Zone shall be for the sole purpose of increasing access to Balboa Park. The Balboa Park Access Zone shall extend from the San Diego River to the San Diego Bay. The City Council may expend funds to acquire, develop, and maintain land and facilities within the Balboa Park Access Zone which have the direct purpose and demonstrated nexus to expanding and improving Balboa Park and its access by San Diego residents. Lands and Facilities obtained, improved, and or maintained by this fund shall be dedicated as part of Balboa Park for park purposes.

- (1) *Balboa Park Access Zone means those areas encompassed within the boundaries of Balboa Park and those portions of the City of San Diego within the meets and bounds of San Diego Bay to the South , Friars Road to the North, Boundary to the East, and Rosecrans Street to the West. These boundaries shall be the width of these streets and right of ways to the nearest exterior adjacent property line.*
- (2) *Balboa Park Access Fund means a separate interest bearing monetary fund maintained by the City of San Diego to receive and spend the Balboa Park Revenues identified herein for the benefit of the Balboa Park and its' strictly complimentary Access Zone.*
- (3) *Balboa Park Access Fund Oversight Committee means the committee determined by ordinance of the City Council to carry out the oversight responsibilities described therein. At minimum, the oversight committee shall be provided the opportunity to advise the City on plans and proposed expenditures in Balboa Park and the access zone. The oversight committee shall review and comment on annual fiscal and performance audits of the Balboa Park revenues and expenditures.*
- (4) *Balboa Park Revenues means all revenues collected by the City of San Diego from commercial and non-profit sources within Balboa Park, including but not limited to all monetary consideration received under leases of city owned property within Balboa Park, as well as revenue collected from contracts for concessions or any other revenues collected for the use of city owned property within Balboa Park. The term does not include revenue from the Balboa Park Golf Course, unless privately leased; city-wide fees; any revenues from general city wide taxes including but not limited to Transient Occupancy Taxes, sales taxes, possessory interest taxes, property taxes; or permit fees such as park and recreation fees or special event fees to the extent those fees are levied to recover actual costs incurred by the City of San Diego. The fund includes all taxes and fees collected under Charter Section 77a et al.*

Whenever the Council deems it to be for the best interests of the City, the Council may enter into contracts, upon such terms and conditions as the Council may prescribe, for the maintenance in Balboa Park of zoological exhibits, with any organizations formed primarily for the purposes of maintaining zoological gardens and zoological exhibits

and conducting general zoological *public benefit* work; and may make available to such organizations the proceeds of the special tax levy provided for in this section.

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June 3, 2014

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