

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

ADOPTED ON \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 2, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING DIVISION 2, BY ADDING SECTION 22.0229, TITLED PREPARATION OF THE ANNUAL BUDGET: MISSION BAY PARK AND OTHER REGIONAL PARK IMPROVEMENTS, ALL RELATING TO THE CITY MANAGER=S PREPARATION OF THE ANNUAL BUDGET PERTAINING TO IMPROVEMENTS TO MISSION BAY PARK AND OTHER REGIONAL PARKS.

WHEREAS, San Diego=s Regional Park System contains recreational resources unique to our City. Parks such as Balboa Park, Mission Bay Park, Mission Trails Regional Park, Otay River Valley Park, and San Diego River Park; as well as our open spaces, and our coastal beaches help define our City=s identity, enrich our quality of life, and serve as visitor attractions that strengthen our local economy; and

WHEREAS, these regional treasures are threatened by increasing use and a backlog of needed improvements. In Mission Bay Park alone, there are over \$200 million of needed improvements called for in the approved, citizen-drafted 1994 Mission Bay Park Master Plan that have not yet been fully funded; and

WHEREAS, the California Coastal Commission's approval of the Local Coastal Program Amendment for the 2001 Mission Bay Park /SeaWorld Master Plan Update required the City of San Diego to prepare and complete a capital improvement program for the development of significant public recreation facilities in Mission Bay Park. This program will include funding strategies and a phasing component in order to ensure that the recreational improvements will be developed commensurate with new commercial development approved in Mission Bay Park; and

WHEREAS, in Balboa Park, there is a need for funding deferred maintenance projects and for additional parking capacity to help ease traffic gridlock. Likewise, in such parks as Mission Trails Regional Park, Otay River Valley Park, and San Diego River Park, the critical needs of habitat acquisition, habitat preservation, trail improvements, basic infrastructure, and visitor amenities must be addressed; and

WHEREAS, the Multiple Species Conservation Program Implementing Agreement obligates the City of San Diego to acquire private lands from willing sellers within the Multi-Habitat Planning Area [MHPA] for the purpose of habitat conservation; and

WHEREAS, the critical needs of our coastal beaches and coastal parks, ranging from water quality improvements to erosion control infrastructure must be met; and

WHEREAS, the City receives millions of dollars in lease revenues each year from businesses located in Mission Bay Park, but none of this money is specifically earmarked to fund these improvements or improvements at other regional parks; and

WHEREAS, the residents and taxpayers of the City of San Diego have a major stake in preserving and enhancing these regional resources, but in order to accomplish this objective it is necessary to identify a reliable and adequate source of funds to pay for needed improvements; NOW THEREFORE,

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

Section 1. That Chapter 2, Article 2, Division 2, of the San Diego Municipal Code is amended by adding new Section 22.0229 titled APreparation of the Annual Budget: Mission Bay Park and Other Regional Park Improvements@ to read as follows:.

**'22.0229** Preparation of the Annual Budget: Mission Bay Park and Other Regional Park Improvements

Subject only to conflicting requirements arising from the City=s tideland trustee responsibilities for management of Mission Bay Park tidelands as mandated in Public Resources Code section 6306, the City Manager, in preparing the budget required by San Diego Charter section 69, shall include a proposed appropriation for Mission Bay Park improvements to a separate fund known as the Mission Bay Improvement Fund and shall also include a proposed appropriation for improvements to other *San Diego Regional Parks* to a separate fund known as the Regional Park Improvement Fund, as follows:

(a) For purposes of this Section, the terms:

*Excess Lease Revenues collected within Mission Bay* means the amount by which annual lease revenue collected from leases of City-owned property within Mission Bay Park exceeds \$20 million

dollars. The term does not include Transient Occupancy Taxes, Sales Taxes, Property Taxes, or any other revenues.

*San Diego Regional Parks* means Balboa Park, Mission Trails Regional Park, Otay River Valley Park, San Diego River Park, Multiple Species Conservation Program open space areas, and coastal beaches along with coastal parks contiguous thereto.

Defined terms appearing in this Section are indicated by italics.

- (b) The Mission Bay Improvement Fund shall be used only for permanent public capital improvements and deferred maintenance of existing facilities in Mission Bay Park pursuant to the Mission Bay Park Master Plan, as that plan may be amended. Capital improvements on Fiesta Island and South Shores shall be given priority. The Mission Bay Improvement Fund shall be annually funded with an amount equal to 25 percent of the annual *Excess Lease Revenues collected within Mission Bay*. However, in no event shall the allocation to the Mission Bay Improvement Fund exceed \$2,500,000 in any fixed year.
- (c) The Regional Park Fund shall be used only for permanent public capital improvements, planning, deferred maintenance, and land acquisitions for *San Diego Regional Parks*. The Regional Park Fund shall be annually funded with an amount equal to 25 percent of the annual *Excess Lease Revenues collected within Mission Bay*. In no event shall the allocation to

the Regional Park Fund exceed \$2,500,000 in any fiscal year.

- (d) The City Manager shall comply with this Section for a period of ten years commencing with the Fiscal Year 2004 budget and terminating with the Fiscal Year 2013 budget.
- (e) During the effective term of this Section, if the City Manager determines that anticipated revenues in any fiscal year will be insufficient to maintain existing City services, the City Manager may ask the City Council to temporarily suspend compliance with this Section for the upcoming fiscal year. A majority vote of the City Council can temporarily suspend compliance with this Section for that fiscal year. Compliance with this Section is not intended to abrogate or alter the duties, obligations, and prerogatives of the City Council in the preparation and passage of the Annual Appropriation Ordinance pursuant to San Diego Charter section 71.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, since a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage and shall remain in effect until July 1, 2013, unless prior to that date Section 22.0229(d) is amended by the City Council to extend the effective term of this Section. If Section 22.0229(d) is not amended by the City Council prior to July 1, 2013, the City Clerk shall

depublish this Section from the San Diego Municipal Code.

APPROVED: CASEY GWINN, City Attorney

By \_\_\_\_\_  
Richard A. Duvernay  
Deputy City Attorney

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Or.Dept:Mayor  
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