

#331a
6/14/2022

(R-2022-541)

RESOLUTION NUMBER R- 314170

DATE OF FINAL PASSAGE JUN 27 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE REPORT SUBMITTED IN
CONNECTION WITH THE DOWNTOWN PROPERTY AND
BUSINESS IMPROVEMENT DISTRICT FOR FISCAL
YEAR 2023 AND RELATED FUNDING ACTIONS.

WHEREAS, the Property and Business Improvement District Law of 1994, California Streets and Highways Code sections (Streets and Highways Code) 36600-36671 (PBID Law), authorizes cities and counties to establish and renew property and business improvement districts for the purpose of promoting economic revitalization and physical maintenance of improvements; and

WHEREAS, on May 12, 2015, the Council of the City of San Diego (City Council) adopted Resolution No. R-309673 (Resolution of Formation), renewing the Downtown Property and Business Improvement District (Downtown PBID) for a term of ten years in accordance with Streets and Highways Code sections 36622(h) and 36660(c); and

WHEREAS, the Resolution of Formation approved the Management District Plan, which includes an engineer's report, a management plan, and the assessments described therein, for the period of July 1, 2015 through June 30, 2025 (Fiscal Years 2016 through 2025), a copy of which is on file with the City Clerk as Document No. RR-309673-1; and

WHEREAS, under Streets and Highways Code section 36651, the Management District Plan stated that the Downtown San Diego Partnership, a nonprofit corporation (Partnership), will manage the Downtown PBID and provide the improvements, maintenance, and activities described in the Management District Plan under an operating agreement between the City of San Diego (City) and the Partnership; and

WHEREAS, under Streets and Highways Code section 36625(b), the adoption of the Resolution of Formation constituted the levy of the assessments in Fiscal Years 2016 through 2025; and

WHEREAS, under Streets and Highways Code section 36650, a written report for Fiscal Year 2023 (Annual Report) has been prepared for the Downtown PBID; and

WHEREAS, the Annual Report conforms to the above-referenced authority and has been duly considered by the City Council; NOW, THEREFORE,

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

1. The Annual Report submitted for the Downtown PBID, on file and available for review in the Office of the City Clerk as Document No. RR- **314170**, is approved as filed.
2. The Chief Financial Officer or designee is authorized to appropriate and expend funds in an amount not to exceed \$11,462,063 from Downtown PBID Operating Funds, Fund 200108, for the operation and administration costs in the Annual Report, including \$150,000 for City administration costs, contingent upon the adoption of the Fiscal Year 2023 Appropriation Ordinance and contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.
3. The Chief Financial Officer or designee is authorized to appropriate and expend any monies deposited in the Downtown PBID Operating Fund, Fund 200108, in excess of estimated revenue and any carryover monies from the previous fiscal year, contingent upon the adoption of the Fiscal Year 2023 Appropriation Ordinance and contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

4. The Chief Financial Officer or designee is authorized to expend funds in an amount not to exceed \$731,146.50 from the General Fund for the purpose of paying the assessments levied upon City-owned parcels within the Downtown PBID for FY 2023, contingent upon the adoption of the Fiscal Year 2023 Appropriation Ordinance and contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

5. The Chief Financial Officer or designee is authorized to expend funds in an amount not to exceed \$24,965 from the Gas Tax Fund, Fund 200118, for the purpose of costs associated with median maintenance within the Downtown PBID for Fiscal Year 2023, contingent upon the adoption of the Fiscal Year 2023 Appropriation Ordinance and contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

6. The Chief Financial Officer or designee is authorized to manually bill and collect assessments for the Downtown PBID which are not billed by the County of San Diego, in the same time and manner as county taxes are collected, and all laws providing for the collection and enforcement of county taxes shall apply to the collection and enforcement of the assessments.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/Daphne Z. Skogen
Daphne Z. Skogen
Deputy City Attorney

DZS:jvg
05/27/2022
Or. Dept: Economic Development
Doc. No. 2989725

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 14 2022.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 6/27/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 27 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 27 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

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