City of San Diego

SHERRI LIGHTNER
CITY COUNCILMEMBER – DISTRICT 1

KEVIN FAULCONER
CITY COUNCILMEMBER – DISTRICT 2

CARL DEMAIO
CITY COUNCILMEMBER –DISTRICT 5

DONNA FRYE
CITY COUNCILMEMBER –DISTRICT 6

MEMORANDUM

DATE: February 24, 2010

TO: Honorable Mayor and City Councilmembers

FROM: Councilmember Sherri Lightner

Councilmember Kevin Faulconer

Councilmember Carl DeMaio

Councilmember Donna Frye

RE: Committing to a Public Vote on New City Hall Project

The City of San Diego is currently in negotiations with a developer over the possibility of building a new City Hall and redeveloping the remaining area of the Civic Center site. As we have been provided general updates on the status of these negotiations, it is still not clear whether this project will be put to a public vote.

In addition, the City Charter may require a public vote, as the implications of City Charter section 90.3 have been referenced at various times throughout the process of examining the proposed redevelopment of the Civic Center.

As it pertains to the requirements of this Charter section, the City Attorney has opined that "[e]ach development alternative proposed includes some right to exclusive use by the developer for the purpose of generating state and federal taxable income."

In their review of the proposed Civic Center Redevelopment, the Office of the Independent Budget Analyst (IBA) has also raised the issue of a public vote, noting that:

> *"Regardless of the legal perspective, it may be desirable to take this project to a vote to garner public support and involve the community in this monumental project. It is of the utmost importance that the financial viability of this project holds up to public scrutiny ensuring a transparent process."*

Finally, we also note the endorsement of a public vote by the Mayor, who states on his website that he "believes the issue should ultimately be decided by voters…"

We seek to put an end to the question on whether a public vote will be held on this costly and significant project.

Put simply, we will not vote to move forward with any project resulting from negotiations with Gerding Edlen for building a new City Hall unless the project is put to voters for approval.

It should be noted that our requirement for a public vote on the project does not indicate our support for, or opposition to, the project itself, but simply states one necessary condition for our support.

We ask that this memorandum be shared with city staff and outside consultants involved in the ongoing negotiations on this project.