



**COUNCILMEMBER CHRIS CATE  
CITY OF SAN DIEGO  
SIXTH DISTRICT**

**M E M O R A N D U M**

**DATE:** June 27, 2017  
**TO:** Mara Elliott, City Attorney  
**FROM:** Councilmember Chris Cate  
**SUBJECT:** Excess City Property

Since four Councilmembers have requested, and Council President Cole has agreed to docket, a discussion pertaining to Qualcomm Stadium and Murphy Canyon land and the corresponding impact of Council Policy 700-10, I respectfully request the City Attorney's office analyze and answer the following questions:

- What is the authority granted to the City Council under Council Policy 700-10, or other governing documents, to declare surplus property and initiate a sale or lease of the property?
- Is there a requirement of a public vote should a disposition of surplus property exceed eighty (80) acres?
- Does the process outlined in Council Policy 700-10 guarantee a Request for Proposal (RFP) for the use of the properties outlined?
- Does the existence of an active lease prohibit the determination of surplus property and the initiation of a sale or lease?
- Does Charter Section 221 apply to a sale of property if the use of the property by the governmental agency does not qualify as a "bona fide governmental purpose?" What uses would qualify as a "bona fide governmental purpose?"

The analysis of these questions is extremely important to the discussion that will occur at the July 25, 2017 City Council meeting.