



San Diego City Attorney Jan I. Goldsmith

NEWS RELEASE

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Contact: Jonathan Heller: jheller@sandiego.gov, 619.533.4782 (o) or 619.379.2016 (m)

JUDGE DENIES ATTEMPT TO BLOCK CONVENTION CENTER VOTE

San Diego, CA: A Superior Court judge has denied a request for an injunction seeking to block a planned vote on a special tax to fund the San Diego Convention Center expansion.

Judge Gonzalo Curiel indicated that at this time, the request to stop the vote – brought by Unite Here Local 30, the county’s hospitality and tourism workers union – was premature and duplicates the City’s plan to file a validation proceeding if the tax is approved. The ruling allows the vote on the convention center funding plan to continue as planned.

The City plans to test the plan in court if the tax is approved. The so-called “validation proceeding” will allow all parties, including Unite Here, to join the proceedings and make their views heard.

“This lawsuit was unnecessary,” said City Attorney Jan Goldsmith. “If the tax is approved, the City will initiate validation proceedings and everyone will have the right to be heard on the law in favor and against. That’s what the validation process is designed to do. It saves time and expense of multiple lawsuits and results in a judgment that is reliable.”

The reason for delaying the validation proceedings is due to the fact that the tax may not be approved and a validation proceeding may not, therefore, be needed.

“It will be a better use of the City’s resources to allow the vote to happen. If the measure fails, then this lawsuit is moot,” said Deputy City Attorney Walter Chung, who defended the application for an injunction.

Patterned after a similar plan used in San Jose, the financing plan calls for a special levy on hotel properties to help pay for the proposed expansion of the convention center. It was approved by the City Council in January as an alternative to putting a tax increase on the general election ballot which would require approval from two-thirds of city voters to pass.

The City recognizes that a similar plan has been used only once and that its legality should be tested through a validation proceeding before any taxes are collected. Attached is a City Attorney Update circulated on February 1 that outlines the plan and reason for the validation proceedings.

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