SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE 2030

AN ORDINANCE ADOPTING A USER FEE
TO BE COLLECTED
BY TRANSPORTATION VENDORS
DOING BUSINESS ON DISTRICT TIDELANDS

WHEREAS, the San Diego Unified Port District (District) was established to manage San Diego Harbor, operate San Diego International Airport, Lindbergh Field, (Airport) and administer non-military tideland areas on San Diego Bay; and

WHEREAS, the Board of Port Commissioners governs the District and Twenty Seven (27) miles of coastal property in the member cities of Chula Vista, Coronado, Imperial Beach, National City and San Diego; and

WHEREAS, the District is the owner, joint operator and proprietor of the San Diego Convention Center (Convention Center); and

WHEREAS, many transportation vendors such as car rental companies operate on District property, both at the Airport and off-Airport on District tidelands; and

WHEREAS, some car rental companies, though not located on District tidelands, serve customers originating on District tidelands, including the Airport; and

WHEREAS, many of these rental cars have the Convention Center as a destination and, therefore, have a significant impact on the Convention Center parking facilities; and

WHEREAS, this impact will be exacerbated by the expansion of the Convention Center which is currently ongoing; and

WHEREAS, the District is financed and managed under policies and practices designed to assure that it is and will always be self-supporting and will not require the expenditure of local tax funds; and

2030

WHEREAS, these policies and practices require that the costs and expenses for facilities be paid by the users of such facilities who enjoy the commercial opportunities and benefits that such facilities create, and that such users also pay fees for such opportunities and benefits; and

WHEREAS, Government Code Section 50474 has been amended to allow the District to require a transportation vendor conducting business on District tidelands, including the Airport, to collect a fee from its customers to finance parking structures and would specify further conditions if the vendor is a car rental agency; and

WHEREAS, any parking structures to be constructed with revenues produced from such a fee will be located on District-owned property and will be intended to serve the Convention Center, NOW, THEREFORE,

The Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

Section 1. Each rental car company conducting business on District tidelands shall collect, in addition to any other charges and fees, a fee of Three Dollars and Fifty Cents ($3.50) on each rental car transaction. For purposes of this ordinance, a rental car transaction is a contract between the rental car company and its customer for the rental of a vehicle, regardless of the term of the rental period. Each individual contract shall be a separate rental car transaction for which the fee will be payable.

Section 2. If a rental car company conducting business on District tidelands operates a facility not located on District tidelands, then the rental car company shall be subject to the fee requirement of this Section if either of the following occurs:

a.   The customer is picked up from a location on District tidelands, including the Airport, and is transported to the rental car company's business facility via a courtesy ground transportation vehicle for the purpose of entering into a car rental agreement or securing a rental vehicle; or

2030

b.   The customer enters into a car rental agreement with the rental

car company within Twenty Four (24) hours of arrival at the Airport and

rental car arrangements or reservations were made by the customer using a

telephone located at the Airport information board.

Section 3.   In addition to the requirements of Civil Code Section 1936, the rental

car company shall do all of the following:

a.   Collect the fee on the District's behalf.

b.   Disclose the fee in any quotation, communication or

advertisement.

c.   Disclose the amount of the fee and the location where it will be

imposed.

d.   Separately identify the fee on its rental agreement.

Section 4.   Each rental car company shall:

a.   Segregate and earmark each transaction fee imposed pursuant to

this ordinance as property of the District.

b.   Pay to the District, on a monthly basis, all transaction fees

imposed on its customers as required by this ordinance.

c.   Comply with such other rules or regulations as may be

established by the Executive Director from time to time for the collection,

handling and remittance of transaction fees.

Section 5.   That the proposed project is statutorily exempt under the California

Environmental Quality Act, Resources Agency Guidelines, Section 15273 and District

Resolution 97-191.

Section 6.   If any provisions of this ordinance or the application thereof to any

person or circumstances is held invalid, such invalidity shall not affect other provisions or

applications of this ordinance which can be given effect without the invalid provisions or

application, and to this end the provisions of this ordinance are severable.

2030

Section 7. This ordinance shall take effect on the 31st day from its passage by the Board of Port Commissioners; upon becoming effective, the provisions of said ordinance shall be operative and implemented commencing January 15, 1999.

RG:sw
12/15/98

San Diego Unified Port District

Office of the Clerk

CERTIFICATION OF VOTE

Passed and adopted by the Board of Port Commissioners of the San Diego Unified Port

District on _____ December 15, _____ 1998, by the following vote:

Commissioners	Yeas	Nays	Excused	Absent	Abstained
Susan Lew	X				
David Malcolm	X				
J. Michael McDade	X				
Patricia McQuater	X				
Paul H. Speer	X				
Frank J. Urtasun	X				
Jess Van Deventer	X				

AUTHENTICATED BY:

_____
Chair of the Board of Port Commissioners

_____
CHRISTINE M. STEIN
Clerk of the San Diego Unified Port District

By:_____
Deputy Clerk

(Seal)

Resolution Number:_____
or
Ordinance Number:___2030___

Adopted:_____12/15/98_____

UPD Form 022 (Rev. 01/98)