

RESOLUTION NUMBER R-300091

ADOPTED ON JANUARY 31, 2005

WHEREAS, in Closed Session on April 26, 2004, the City Council, by the following vote: Yeas, Districts 1, 4, 6, 7, 8, and Mayor; Nays, 0; Not Present, Districts 2, 3 and 5; approved the following; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager is hereby authorized and empowered to pay the total sum of \$1.2 million in the settlement of each and every claim against the City of San Diego, its agents and employees, in U.S. District Court Case No. 03-CV-1381-B, *State of California v. City of San Diego, et al.* resulting from the allegations of sewer system overflows.

BE IT FURTHER RESOLVED, that in accordance with the above settlement, the City Auditor and Comptroller is hereby authorized to establish an interest bearing escrow account in an amount not to exceed \$500,000 from Sewer Revenue Fund No. 41506 to be used for funding water quality related monitoring in San Diego Bay and Mission Bay, as directed by the Regional Water Quality Control Board.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is further authorized to issue four checks in the amount not to exceed \$1.2 million in full settlement of the lawsuit and of all claims, to be paid in the following manner:

1. A check for two hundred thousand dollars (\$200,000.00) payable to the State Water Resources Control Board Cleanup and Abatement Account;
2. A check for two hundred sixty thousand dollars (\$260,000.00) payable to the Southern California Coastal Water Research Project, to be used for conducting a Regional Board sediment toxicity source analysis water quality project in Chollas Creek;

3. A check for five hundred thousand dollars (\$500,000.00) payable to the interest bearing escrow account established above, to be used for funding water quality related monitoring in San Diego Bay and Mission Bay as directed by the Regional Board; and

4. A check for two hundred forty thousand dollars (\$240,000.00) payable to the San Diego River Conservancy, to be used for funding water quality related projects within the San Diego River Watershed.

BE IT FURTHER RESOLVED, that said funds are to be payable from Sewer Revenue Fund No. 41506.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Ted Bromfield
Senior Deputy City Attorney

TB:pev:mb
01/11/04
01/20/05 Corr.
02/04/05 Rev.
A/C:2500625
Or.Dept:MWWD
MWD-5106
R-2005-702

**The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE

AC 2500625

ORIGINATING

DEPT. NO.:

776

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____ Fund: _____

Purpose: _____

Date: _____ By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/	EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT											

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Amount: \$1,200,000.00

Vendor: State of California (Regional Water Quality Control Board)

Purpose: To authorize the expenditure of funds for settlement agreement with Regional Water Quality Control Board.

Date: December 28, 2004 By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/	EQUIP	FACILITY	AMOUNT
1	0	41506	776	455	4825	776100					\$1,200,000.00
TOTAL AMOUNT											\$1,200,000.00

FUND OVERRIDE

AC 2500625

f

300091

JAN 31 2005