

2006
6/12/06

(R-2006-969)

RESOLUTION NUMBER R- 301520

DATE OF FINAL PASSAGE JUN 16 2006

RESOLUTION REQUESTING AN ANALYSIS OF THE IMPACT OF THE PROPOSED FINAL CONSENT DECREE ON SEWER RATES; AND AUTHORIZING A SECOND PARTIAL CONSENT DECREE IN *U.S.A. & BAYKEEPER/SURFRIDER FOUNDATION V. CITY OF SAN DIEGO.*

WHEREAS, BayKeeper/Surfrider Foundation and the United States Department of Justice filed suit against the City of San Diego regarding sewer spills, which cases were consolidated as U.S. District Court Case No. 01-CV-0550-B; and

WHEREAS, the parties previously entered into a Partial Consent Decree, approved by the City Council, which expires on June 30, 2006; and

WHEREAS, the parties are considering a Second Partial Consent Decree, to expire on June 30, 2007, subject to approval of the Council; and

WHEREAS, the parties are also negotiating a Final Consent Decree, which will entail an analysis of sewer rates before Council considers approval of the Final Consent Decree; and

WHEREAS, the Second Partial Consent Decree is in the best interests of the City;
NOW, THEREFORE,

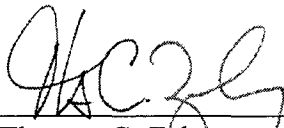
BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the Mayor or his designee is requested and authorized to complete a rate case analysis of the City's sewer rates to determine the impact of the proposed Final Consent Decree in *United States et al v. City of San Diego*, U.S. District Court No. 01-CV-0550-B, and to present such analysis to the City Council for consideration.

2. That the Mayor or his designee is authorized to execute, for and on behalf of the City, the Second Partial Consent Decree in *U.S. et al v. City of San Diego*, Case No. 01-CV-0550-B, under the terms and conditions set forth in the Second Partial Consent Decree, the form of which is on file in the office of the City Clerk as Document No. RR- ~~301520~~.

3. That this activity is not a "project" and is therefore not subject to the California Environmental Quality Act pursuant to CEQA Guideline section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Thomas C. Zeleny
Deputy City Attorney

TCZ:mb
05/10/06
Aud.Cert:N/A
Or.Dept:MWWD
MWD-6106
R-2006-969

I hereby certify that the foregoing resolution was passed by the Council of the City of San Diego, at its meeting of JUN 12 2006.

ELIZABETH S. MALAND, City Clerk

By 
Deputy City Clerk

Approved: 6-16-06
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

JUN 12 2006

Passed by the Council of The City of San Diego on _____, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

JUN 16 2006

Date of final passage _____.

AUTHENTICATED BY:

(Seal)

JERRY SANDERS

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By Debbie Swenson-Cruz, Deputy

Office of the City Clerk, San Diego, California

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