

ORDINANCE NUMBER O- **19944** (NEW SERIES)

DATE OF FINAL PASSAGE APR 13 2010

AN ORDINANCE AMENDING ORDINANCE NO. O-19887 (NEW SERIES) ENTITLED "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 2010 AND APPROPRIATING THE NECESSARY MONEY TO OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR" BY APPROPRIATING \$ 608,626 AND ALL CURRENT AND FUTURE INTEREST EARNINGS FROM FUND NO. 200410 – MISSION VALLEY TERMINAL SETTLEMENT FUND FOR THE PURPOSE OF SUPPORTING FEDERAL COURT LITIGATION EFFORTS, CONTINUED ENVIRONMENTAL LEGAL SERVICES, REPRESENTATION BEFORE THE REGIONAL WATER QUALITY CONTROL BOARD, AND SUPPORTING TECHNICAL EXPERTISE IN CONTAMINATION CLEAN-UP.

WHEREAS, on July 27, 2009, the City Council adopted Ordinance No. O-19887 entitled An Ordinance Adopting The Annual Budget For The Fiscal Year 2010 And Appropriating The Necessary Money To Operate The City Of San Diego For Said Fiscal Year [Appropriation Ordinance]; and

WHEREAS, in 1992, the San Diego Regional Water Quality Control Board (RWQCB) issued Cleanup and Abatement Order No. 92-01 which ordered parties responsible for the release of petroleum products from the Mission Valley Terminal to remediate the soil and groundwater beneath the Qualcomm Stadium site and the Mission Valley Aquifer; and

WHEREAS, the City has been actively engaged in advocating the City's interests in the enforcement action before the RWQCB for many years and, ultimately, initiated litigation against the parties responsible for the release in 2007; and

WHEREAS, to assist the City in these efforts, the City retained the services of an environmental consultant, environmental legal counsel, and litigation counsel; and

WHEREAS, the RWQCB action and the litigation are ongoing and additional funds are necessary for the consultant and legal services the City requires to assist it in these matters; and

WHEREAS, the Mission Valley Terminal Settlement Fund No. 200410 was established to fund efforts to ensure remediation of the Qualcomm Stadium site, the aquifer and to fund related litigation; and

WHEREAS, the budget for the Fiscal Year 2010 has not yet appropriated the Mission Valley Terminal Settlement Funds and it is appropriate to utilize those funds for the consultant and legal services agreements which are nearly exhausted; and

WHEREAS, the Mayor has no veto power over this ordinance pursuant to the San Diego Charter Section 280(a)(4); NOW, THEREFORE,


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

Section 1. That the Appropriation Ordinance is hereby amended to authorize the Chief Financial Officer to appropriate and expend \$ 608,626 and all current and future interest earnings from Fund No. 200410 - Mission Valley Terminal Settlement Fund for the purpose of supporting federal court litigation efforts, continued environmental legal services, representation before the regional water quality control board, and supporting technical expertise in contamination clean-up all associated with the clean-up of the Mission Valley Terminal/Qualcomm stadium site.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public a day prior to its passage.

Section 3. This ordinance is declared to take effect and be in force immediately upon its final passage after two public hearings pursuant to the authority contained in the San Diego Charter sections 71, 275 and 295.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 

Paul F. Prather
Deputy City Attorney

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03/16/10
Or.Dept:Atty
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