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(R-2011-407)
CORR. COPY

RESOLUTION NUMBER R- 306582

DATE OF FINAL PASSAGE FEB 09 2011

A RESOLUTION OF THE SAN DIEGO CITY COUNCIL
AUTHORIZING A MEMORANDUM OF UNDERSTANDING
WITH STORM WATER CO-PERMITTEES FOR SHARED
COSTS TO PURSUE AN UNFUNDED MANDATE CLAIM
WITH THE CALIFORNIA COMMISSION ON STATE
MANDATES.

WHEREAS, by Order R 9-2007-0001 of the San Diego Regional Water Quality Control Board, the City of San Diego was issued a permit for its storm water conveyance system, Permit No. CAS0108758, which is shared by the following eighteen co-permittees: County of San Diego and the cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Marcos, Santee, Solana Beach, and Vista (co-permittees); and

WHEREAS, the City and the co-permittees have pursued a test claim with the California Commission on State Mandates (Commission) that certain requirements in the permit constitute unfunded state mandates; and

WHEREAS, the County and a majority of the co-permittees have entered a cost sharing Memorandum of Understanding to pursue the test claim; and

WHEREAS, as the co-permittees have requested the City of San Diego's participation in the sharing of costs; and

WHEREAS, the City may substantially benefit from supporting this effort; and

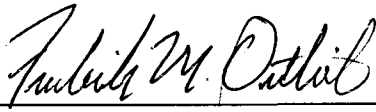
WHEREAS, in conjunction with this action, a cross-petition was filed in Sacramento County Superior Court in July 2010 on behalf of the co-permittees, *County of San Diego, et al*, v. *Commission on State Mandates*, Case No. 34-2010-80000604; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor or his designee is authorized to execute, for and on behalf of the City, an agreement with the storm water co-permittees for the sharing of costs associated with the prosecution of an unfunded state mandates claim to the State Water Resources Control Board, under the terms and conditions set forth in the Memorandum of Understanding, on file with the City Clerk as Document No.

RR- 306582.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to expend an amount not to exceed \$195,841 from Fiscal Year 2011 General Fund No. 10000, Storm Water Department Pollution Prevention Division Operating Fund No. 211400, solely and exclusively to provide funds for the City's allocated portion of the shared costs pursuant to the above Memorandum of Understanding.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Frederick M. Ortlieb
Deputy City Attorney

FMO:mb/ca
10/26/10
12/16/10
Comp.Cert. #: 3000003720
Or.Dept:Storm Water

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego,
at its meeting of FEB 1 2011.

ELIZABETH S. MALAND, City Clerk

By


Deputy City Clerk

Approved:

2-9-11
(date)


JERRY SANDERS, Mayor

Vetoed:

(date)

JERRY SANDERS, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000003720
 DEPT NO 2114120011

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: \$195,841.00 Fund: 100000

Purpose: Authorize the Mayor or designee to enter into a Memorandum of Understanding with eighteen other Storm Water Copermitees (County of San Diego, City of Carlsbad, City of Chula Vista, City of Coronado, City of Del Mar, City of El Cajon, City of Encinitas, City of Escondido, City of National City, City of Oceanside, City of Poway, City of San Marcos, City of Santee, City of Solana Beach, City of Imperial Beach, City of La Mesa, City of Lemon Grove, and City of Vista) for costs to pursue an unfunded mandates claim with the State of California in an amount not to exceed \$195,841 for the City of San Diego's allocated portion of shared costs pursuant to the MOU.

Date: January 18, 2011 By: Jessica Olson *Jessica Olson*
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
001	100000		11002159		512059		2114120011		\$195,841.00
TOTAL AMOUNT									\$195,841.00

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.

Not to Exceed: _____

Vendor: _____

Purpose: _____

Date: _____ By: _____
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
TOTAL AMOUNT									

CC-361 (REV 7-09)

FUND OVERRIDE

CC 3000003720

R. 306582

FEB 01 2011