

RESOLUTION NUMBER R- 307256

DATE OF FINAL PASSAGE FEB 6 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO TO DEFINE THE PURPOSE OF THE PLAINTIFF LITIGATION FUND AND TO TRANSFER THERETO FUNDS RECEIVED BY THE CITY IN PARTIAL SETTLEMENT OF PEOPLE OF THE STATE OF CALIFORNIA V. ATLANTIC RICHFIELD ET ALL., SANTA CLARA SUPERIOR COURT CASE NO. 1-00-CV-788657.

WHEREAS, the City is a plaintiff in *People of the State of California v. Atlantic Ritchfield Co. et al.*, Santa Clara Superior Court Case No. 1-00-CV-788657 (Santa Clara Litigation), relating to the abatement of the public nuisance created by lead paint; and

WHEREAS, on November 30, 2010, the City Council authorized a partial settlement in the Santa Clara Litigation with Millennium Holdings LLC (Millennium Settlement); and

WHEREAS, pursuant to the Millennium Settlement, the City has received approximately \$763,625 for the purpose of paying the future costs associated with litigating the Santa Clara Litigation and for programs for lead paint abatement (Settlement Funds); and

WHEREAS, the Settlement Funds were received into the General Fund with the above-referenced restrictions on their expenditure and are available for appropriation; and

WHEREAS, the City's involvement with the Santa Clara Litigation is being directed by the Office of the City Attorney and the City's lead paint abatement programs are directed by the Environmental Service Department such that the Office of the City Attorney and the Environmental Services Department are the appropriate departments (Authorized Departments) to expend the Settlement Funds; and

WHEREAS, there exists in the City a Plaintiff Litigation Fund that was established for the purpose of funding plaintiff litigation by the City but which is no longer used for such purpose; and

WHEREAS, the Plaintiff Litigation Fund shall now be used for the purpose of receiving funds won by or awarded to the City in the context of plaintiff litigation undertaken by or on behalf of the City when such funds are not already committed to a particular department or departments; and

WHEREAS, funds in the Plaintiff Litigation Fund shall be restricted for expenditure in accordance with the terms of the settlement agreement or award under which such funds are paid to the City and may not be used for any other purpose; and

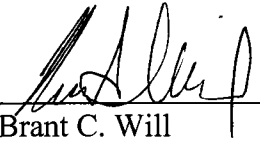
WHEREAS, in the event that no restrictions are placed on funds received as a result of plaintiff litigation, such funds shall not be deposited in the Plaintiff Litigation Fund but shall be placed in the General Fund, the Enterprise Funds, or any other fund of the City, as appropriate;
NOW, THEREFORE,

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

1. That the purpose of the Plaintiff Litigation Fund is as set forth in the recitals to this Resolution.
2. That funds in the Plaintiff Litigation Fund shall carry forward for their intended purpose until fully expended.
3. That the Chief Financial Officer is authorized and directed to appropriate the Settlement Funds from the General Fund reserves into the City Attorney Department (Fund 100000, Dept 1211) and to transfer those monies to the Plaintiff Litigation

Fund (200311) to be expended by the Authorized Departments in accordance with the Millennium Settlement.

APPROVED: JAN I. GOLDSMITH, City Attorney

By  _____
Brant C. Will
Deputy City Attorney

BCW:jdf
12/12/2011
Or.Dept:CA
Doc.No.:285742_3

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 31 2012.

ELIZABETH S. MALAND
City Clerk

By  _____
Deputy City Clerk

Approved: 2-6-12
(date)



JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor