

(O-2014-3)

ORDINANCE NUMBER O- 20287 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 05 2013

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING SETTLEMENT OF THE CITY'S
LAWSUIT AGAINST THE SWEETWATER AUTHORITY.

WHEREAS, on March 26, 2010, the City filed a lawsuit against the Sweetwater Authority regarding expansion of Sweetwater's Richard Reynolds Desalination Facility, *City of San Diego v. Sweetwater Authority, et al*, San Diego Superior Court Case 37-2010-00088653-CU-TT-CTL; and

WHEREAS, Sweetwater owns, operates, and maintains the National City Wells production facility ("NC Wells") and the existing Richard A. Reynolds Desalination Facility ("Desal Facility") and the primary source of water for both production facilities is the San Diego Formation ("SDF"); and

WHEREAS; the Richard A. Reynolds Desalination Facility Expansion Project ("Desal Expansion") will add a capacity of 5,200 acre-feet per year ("AFY") to the Desal Facility by adding five (5) new wells that draw from the SDF; and

WHEREAS; on February 24, 2010, Sweetwater's Governing Board certified the Final Environmental Impact Report ("EIR") for the Desal Expansion, adopted a Mitigation Monitoring and Reporting Program and Findings of Fact, and approved the Desal Expansion and on November 10, 2010, the Governing Board re-approved the Desal Expansion to correct a procedural defect; and

WHEREAS; the City filed the Lawsuit challenging Sweetwater's compliance with CEQA and Sweetwater's right to take water from the SDF for the Desal Expansion and the City dismissed its water rights claim without prejudice; and

WHEREAS; through discussions subsequent to the filing of the Lawsuit, the Parties recognized the mutual benefit of both Parties participating in the Desal Expansion and in settlement of the Lawsuit, the Parties have agreed to share the water treated at the Desal Expansion according to the terms and conditions set forth in the Settlement Agreement; and

WHEREAS; the City and Sweetwater have agreed to participate in a joint Assembly Bill 3030 Groundwater Management Plan to protect the SDF from seawater intrusion and other environmental harms; NOW, THEREFORE,

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

Section 1. That the Mayor or his designee is authorized and directed to execute, for and on behalf of the City, an agreement with Sweetwater Authority resolving the litigation *City of San Diego v. Sweetwater Authority, et al*, San Diego Superior Court Case 37-2010-00088653-CU-TT-CTL, as set forth in the Settlement Agreement, on file with the City Clerk as Document Number OO- **20287**.

Section 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$7,200,000 from Water Fund 700011, solely and exclusively to provide funds for the Settlement Agreement and related costs as set forth therein, provided that the Chief Financial Officer furnishes one or more certificates demonstrating that the funds are, or will be, on deposit with the City Treasurer.

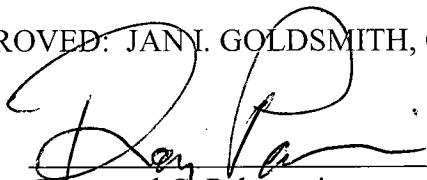
Section 3. That the Chief Financial Officer, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

Section 4. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

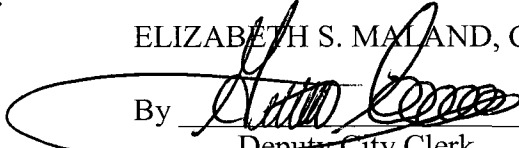

Raymond C. Palmucci
Deputy City Attorney

RCP:mb
07/9/13
Or.Dept: City Atty
Doc.No:587382

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at its meeting of JUL 30 2013.

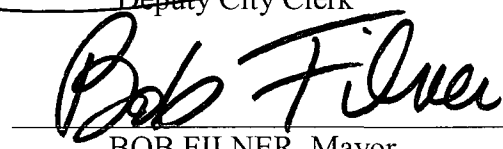
ELIZABETH S. MALAND, City Clerk

By


Deputy City Clerk

Approved:

8/2/13
(date)


BOB FILNER, Mayor

Vetoed:

(date)

BOB FILNER, Mayor

This ordinance is effective August 5, 2013, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.

Passed by the Council of The City of San Diego on JUL 30 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<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"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 05 2013

AUTHENTICATED BY: BOB FILNER
Mayor of The City of San Diego, California.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on JUL 15 2013, and on AUG 05 2013.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By [Signature], Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 20287