

Item - 50
4/15/14
(O-2014-94)

Item 51
4-29-14

ORDINANCE NUMBER O- **20363** (NEW SERIES)

DATE OF FINAL PASSAGE **MAY 15 2014**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING A SECOND AMENDMENT TO
THE 2007 SAN DIEGO REGIONAL STORM WATER
COPERMITTEES MEMORANDUM OF UNDERSTANDING.

WHEREAS, the San Diego Regional Water Quality Control Board issued Order No. R9-2007-0001 regulating discharges from the municipal separate storm sewer system (2007 MS4 Permit); and

WHEREAS, the 2007 MS4 Permit regulates MS4 discharges from the City of San Diego, the County of San Diego, the San Diego Unified Port District, the San Diego Regional Airport Authority, and the cities of Carlsbad, Chula Vista, Coronado, Escondido, Imperial Beach, La Mesa, San Marcos, Del Mar, El Cajon, Encinitas, Lemon Grove, National City, Oceanside, Poway, Santee, Solana Beach and Vista (Copermittees); and

WHEREAS, the 2007 MS4 Permit mandates that the Copermittees cooperate with respect to specified regional and watershed storm water pollution prevention activities; and

WHEREAS, the Copermittees entered into a Memorandum of Understanding to share the costs of storm water compliance (2007 MOU), which the City Council approved by Ordinance No. O-19699 on January 18, 2008; and

WHEREAS, the Copermittees entered into a First Amendment to the 2007 MOU, which the Mayor's designee approved on June 15, 2010; and

WHEREAS, on May 8, 2013, the San Diego Regional Water Quality Control Board issued Order No. R9-2013-0001 (2013 MS4 Permit), which supersedes the 2007 MS4 Permit but requires the Copermittees to continue some programs under the 2007 MS4 through 2015; and

WHEREAS, the 2007 MOU expires by its own terms on May 8, 2014; and

WHEREAS, the Copermittees desire to enter into a Second Amendment to the 2007 MOU to extend the term until August 31, 2015, such that the term of the 2007 MOU will exceed seven years; and

WHEREAS, under Charter section 99, no contract, agreement or obligation extending for a period of more than five years may be authorized except by Ordinance approved by a two-thirds majority vote of the City Council; 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 to execute a Second Amendment to the 2007 MOU to extend the term until August 31, 2015, under the terms and conditions set forth in the Second Amendment to 2007 MOU, on file in the Office of the City Clerk as Document No. OO- 20363.


Section 2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$1,185,004, from Fund 100000-General Fund, 2116-Transportation & Storm Water Department, for cost sharing under the Second Amendment to the 2007 MOU, contingent upon the adoption of the Fiscal Year 2015 Appropriation Ordinance, and contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasury.

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.

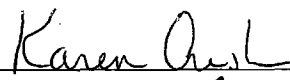
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Heather L. Stroud
Deputy City Attorney

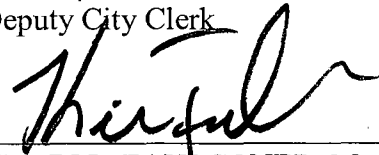
HLS:cw
03/18/14
Or.Dept: Transportation & Storm Water Department
CC: N/A
Doc. No.: 734638

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at its meeting of APR 29 2014.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 5/15/14
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on APR 29 2014, 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"/>
Ed Harris	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 15 2014

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Karen Ousk, 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

APR 15 2014

, and on

MAY 15 2014

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Karen Ousk, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20363